

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

TRIAL SETTING CONFERENCE

Date: 02/25/05 Time: 8:15 am Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by Pro Per.
Public Defender R. Banning present as 2nd
Chair Counsel.

SEE ALSO "HRG. VICTIM / WITNESS" MINUTE
ORDER.

Time is NOT waived.
Time waiver is withdrawn as of today.
Readiness and Settlement Conference set for 04/01/2005 14:30 in
Dept. 2
Jury Trial set for 04/26/2005 at 9:30 in Department 2.
Estimated length of trial is 15 days.

Motion RE: ANY set for 04/01/2005 at 14:30 in Department 2.

COURT ORDERS:

Any original motions on file by 03-18-05 and
then each responding counsel has until 03-25-05
to reply.

The Defendant makes an additional discovery
request for any documents that Det. Strasser
may have re: Sid Siemer or other interviews.
The People will check to see if there are any.
Defense Counsel Banning requests witness list
from the People today and they want/need to
locate the victim Susan for an interview.

COURT ORDERS:

Defense is to locate the victim through the
People and investigators but her address is not
to be revealed.
Each side to have their witness list to each

3/11/05

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

other by 03-18-05.

The People say they will try by Monday to fax
an updated witness list to Defense.

The People request the original handwritten notes
from the Defense investigator that the Defendant
used to type up the notes.

Defendant states he was just trying to make the
notes more legible - but will look for the
handwritten notes.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

CC: DIST ATTY / PUB DEF
RICHARD HAMLIN C/O JAIL

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

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HEARING RE: Vict. / Witness Funds

Date: 02/25/05 Time: 8:15 am Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by Pro Per.
Public Defender R. Banning present as 2nd
Chair Counsel.

SEE ALSO "TRIAL SETTING CONFERENCE"
MINUTE ORDER.

C. Watson from El Dorado County Victim / Witness
office is present.
Mrs. Watson addresses the Court re: her office
has no authority to release information re:
Susan Hamlin and any service or funding she
may have received.
The information and authority comes from the
Board Of Control and the Defendant should
subpena the records he seeks.
Mrs. Watson provides the Court a copy of a
Memorandum dated February 2 - 2004 from
the State Of California - Victim Compensation
And Government Claims Board.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

Hearing is ordered Off Calendar
For computer purposes.

=====MINUTE ORDER END=====

Dispo



STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD

REVENUE RECOVERY AND APPEALS DIVISION
630 K Street, 4th Floor
Sacramento, California 95814
Phone Number: (916) 324-8987
Fax Number: (916) 324-7737
Internet: www.boc.ca.gov

FRED AGUIAR
Secretary
State and Consumer Services Agency
Chairperson

STEVE WESTLY
State Controller
State Controller's Office
Board Member

MICHAEL A. RAMOS
San Bernardino County District Attorney
Board Member

CATHERINE A. CLOSE
Interim Executive Officer

M e m o r a n d u m

Date : February 2, 2004
To : All Joint Powers Verification Offices
From : David Shaw
Deputy Executive Officer
Subject: SUBPOENAS

It has recently come to our attention that a number of Joint Powers (JP) Verification offices are being served with subpoenas directing JP staff to release documents and/or appear in court to testify at criminal or restitution hearings. As you may be aware, the JP contract stipulates that the JP Verification Office is not the Custodian of Records for Board claim files and does not have the authority to release any documents or testify on behalf of the Board. These rights are reserved to the Board under Government Code section 13951(a); Penal Code section 1202.4(f)(4)(B); and Evidence Code section 702.

Item 9, Exhibit D, Special Terms and Conditions of the JP Agreement (attached) specifies that the JP office is to post a notice directing that all subpoenas and document requests be served on the Board. To assist you in this matter, I have attached a sample notice that may be posted in accordance with the contract. In addition, if you are served with a subpoena, please return it to the serving party, along with the attached, completed letter.

Document requests other than subpoenas can be forwarded directly to the Board's Custodian of Records for processing. Please refer to the attached list for the names of the current custodians and their telephone numbers. Questions regarding subpoenas can be addressed to the Board's Legal Office or any custodian.

Thank you for your cooperation in this matter.

Attachments

Rec. 2-25-05

EXHIBIT D

SPECIAL TERMS AND CONDITIONS

- C. The Contractor shall obtain written approval prior to modifications being made to the line items under the operating expense category such as an increase to rent or offsetting savings from one line-item to another. Requests should be directed to the Joint Powers Analyst.

8. INVENTORY

EDP equipment, capitalized assets and non-capitalized assets, shall remain the property of the Board and shall bear identification tags supplied by the Board. The Contractor shall prepare an inventory listing as of June 30, 2004, on forms provided by the Board, and submit the list to Financial and Business Operations Section, P. O. Box 48, Sacramento, CA 95812.

In the event of termination of this agreement, the Board shall take possession of its property. The Contractor shall hold those items identified in the inventory list in storage until the Board retrieves its property. Payment of storage and retrieval shall be the responsibility of the Board.

9. CONFIDENTIALITY OF RECORDS:

The Contractor shall maintain the confidentiality of all records in accordance with Article 1, Section 1, of the California State Constitution, the Information Practices Act of 1977 (Gov. Code, § 1798, et seq.), and the statutes, regulations, and policies specifically applicable to the Victim Compensation and Government Claims Board, including Government Code section 13954. Contractor's staff having access to personally identifiable information shall hold the information in strict confidence, and shall not disclose it except as required by law or allowed by Board policy.

The Board's Custodian of Records in Sacramento shall be notified when a claimant or other person requests a copy of any document in or pertaining to the claimant's file. The Contractor shall not disclose any document pursuant to any such request unless authorized to do so by the Board's Custodian of Records, the Executive Officer, or the Legal Office.

The Board's Legal office in Sacramento is to be immediately notified of any request made under the Public Records Act (Gov. Code, § 6250, et seq.) for information received or generated in the performance of this contract. The Legal office may be reached at (916) 327-1998. No record shall be disclosed pursuant to any such request unless authorized by the Board's Legal Office.

The Contractor shall ensure that all staff is informed of the requirements of this provision and of direction given by the Board in Board Policy Memo No. 00-02, Information Security Pamphlet for non-Board Personnel. (Distributed February 1, 2000.) The Contractor shall establish procedures to ensure confidentiality of personal information.

10. INCOMPATIBLE ACTIVITIES

Contractor's staff assigned to perform services for the Board shall not:

- a. Engage in any conduct that is clearly inconsistent, incompatible, or in conflict with, his or her assigned duties under the contract;

PROCESS SERVERS

All subpoenas and document requests must be served on the California Victim Compensation & Government Claims Board (Board) at:

**CALIFORNIA VICTIM COMPENSATION &
GOVERNMENT CLAIMS BOARD
630 K STREET, 5TH FLOOR
SACRAMENTO, CA 95814**

ATTN: LEGAL OFFICE

Civil subpoenas must be personally served. Criminal subpoenas / document requests may be served by mail.

NO FAX SERVICE ACCEPTED!

For further assistance contact the Board's Legal Office:
(916) 327-1998

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

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TRIAL SETTING CONFERENCE

Date: 02/18/05 Time: 8:15 am Dept/Div: 2

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5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant proceeds in Propria Persona.
Robert Banning present as 2nd Chair Counsel.

The following issues are discussed;
The Defendant filed a motion to elect and R.
Banning needs a copy of it.
The People are to file a reply to the motion
by 03-07-05.
As to the rap sheet discovery information and
potential record of the victim (Susan); the People
have 1 bad check incident for which Susan
is still in the bad check program with the
District Attorney's Office.
The People are to provide information on such
by 03-07-05.
As to whether and how much funding the victim
may have received from the Victim/Witness fund;
the People inform the Court and Defense that
the information is confidential and Vict/Witness
would not give out the information.
The Court orders a hearing on the issue on
02-25-05.
Because the Court ordered the information provided
Vict./Witness is to provide the information or be
in court on 02-25-05 to give a reason why not.

Defense now wants to set a trial and time is
only waived until 02-25-05 then would be a "no
time waiver".

Time is Waived.

Trial Setting Conference set for 02/25/2005 at 8:15 in
Department 2.

Hearing RE: Vict. / Witness Funds set for 02/25/2005 at 8:15 in

2/22/05

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Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

Department 2.

Motion RE: TO ELECT & 402 set for 03/14/2005 at 13:30 in

Department 2.

Est. is one hour.

Any Points & Authorites motions same day.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

CC: DIST ATTY / PUB DEF / RICHARD HAMLIN

C/O JAIL

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

HEARING RE: Ruling on Protective Order

Date: 02/14/05 Time: 1:00 pm Dept/Div: 2

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Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A

--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding

Clerk: Dahlgren S.

Court Reporter C. BILLALON

Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.

Defendant is present IN CUSTODY.

Defendant proceeds in Propria Persona.

R. Banning present as 2nd Chair Counsel.

Atty. Charity Kenyon not present.

The Court has read all documents.

Defense Counsel Banning requests to join

Atty

The Court rules as stated on the record.

The Court finds that the People have not
purposely tried to prejudice the Defendant to the
public / potential jury pool.

The Court adopts Rule 5-120 which is incorporated
herein for reference and is made part of the
minute order.

The Court holds the People and Defense to the
order.

Each party is served in court with a copy.

The Court informs Counsel it cannot bind the
Sheriff's Department re: dissemination of
information to the press - but the People will
convey the Court's sentiment to the Sheriff's
Department.

Oral motion on behalf of Defense Banning regarding transcript of
today's hearing

And a transcript of hearing 02-10-05.

Motion is GRANTED.

COURT ORDERS:

Court Reporter to produce the transcripts as
requested.

3/11/05

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
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CUSTODY STATUS

Remains remanded to the custody of the Sheriff.


Bail to remain as previously set.

CC: DIST ATTY / PUB DEF / RICHARD HAMLIN C/O JAIL

=====MINUTE ORDER END=====

Dispo

1 CHARITY KENYON - SBN 078823
2 JOHN E. FISCHER - SBN 65792
3 RIEGELS CAMPOS & KENYON LLP
2500 Venture Oaks Way, Suite 220
4 Sacramento, CA 95833
Telephone: (916) 779-7100
Facsimile: (916) 779-7120

EL DORADO CO. SUPERIOR CT.
FILED FEB 14 2005
BY  Deputy

5 Attorneys for McClatchy Newspapers, Inc.
6 dba *The Sacramento Bee* and
staff writer Ramon Coronado

7
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF EL DORADO

10
11 The People of the State of California,

Case No. P04CRF0132

12 Plaintiff,

***The Sacramento Bee's Supplemental
Opposition to Protective "Gag"
Order***

13 v.

14 Richard Hamlin

8
Date: February 14, 2005
Time: 1:00 p.m.
Dept: 2
Hon. Eddy T. Keller

15 Defendant.

16
17 _____ /

18 McClatchy Newspapers, Inc. dba *The Sacramento Bee* submits this supplemental
19 memorandum of points and authorities in response to the additional authorities cited by the
20 District Attorney at the February 10, 2005 hearing on the motion for a protective gag order and
21 in response to the court's expressed concerns about how to "narrowly tailor" an order as
22 required by the authorities cited in *The Bee's* memorandum of points and authorities filed
23 February 8, 2005.

24 To summarize, the court has no evidence to support the prosecution's speculation that a
25 gag order is necessary to protect the parties' fair trial rights. The experience in California has
26 been that an unbiased jury can be predictably selected even for very highly publicized trials,
27 such as Scott Peterson, O.J. Simpson, Polly Klaas and the Unabomber. This is not one of those
28 cases. Equally important, an order would not be *effective* to achieve the court's goal of an

1 uninformed jury pool. News reporting will continue and has continued, including rehashing of
2 old interviews with individuals associated with both sides of this case. The remedy is new,
3 accurate information and response to misinformation (such as appeared in *The Mountain*
4 *Democrat*), consistent with Rule 5-120, not a gag order.

5 The court should reject *Younger v. Smith*, 30 Cal. App. 3d 138 (1973), as a basis for
6 the requested order, which would be overbroad and unconstitutional on its face. *Younger*
7 *reversed* a prosecutor's contempt conviction where the court's gag order punished statements
8 with no tendency to prejudice the pending criminal prosecution. Further, the *Younger* court
9 specifically did *not* find that the gag order in question could lawfully apply to the *defense*
10 counsel. The defendant's right to reply publicly to the prosecutor's charges--and of the public
11 to hear the reply--is protected by the First Amendment. *United States v. Ford*, 830 F.2d 596,
12 596-99 (6th Cir. 1987).

13 *Hurvitz v. Hoefflin*, 84 Cal. App. 4th 1232 (2000), the post-*Press Enterprise* California
14 decision that applied the higher, "clear and present danger" standard to strike down a gag
15 order, is binding on this court. *Saline v. Superior Court*, 100 Cal. App. 4th 909 (2002), cited
16 by the District Attorney at oral argument, is inapposite.

17 Finally, *Younger* noted that specific provisions of the order at issue in that case were
18 problematic, because of the same type of overbreadth advocated by the prosecution in this
19 case.

20 **I. HURVITZ V. HOEFFLIN APPLIES THE CLEAR AND PRESENT DANGER**
21 **STANDARD AND IS BINDING ON THIS COURT**

22 The District Attorney cited *Saline v. Superior Court*, 100 Cal. App. 4th 909 (2002), to
23 distinguish *Hurvitz v. Hoefflin*, 84 Cal. App. 4th 1232 (2000), which vacated a protective order
24 where the trial court found that "needless dissemination of this privileged information ... might
25 prejudice potential jurors." *Hurvitz* held that, where a party--here the prosecutor-- contends his
26 or her right to a fair trial has been or will be compromised by pretrial publicity, the law
27 imposes on that party the burden of producing *evidence* to establish the prejudice. Speculation
28 is not enough to support the prior restraint on speech.

1 *Saline v. Superior Court* was an action by a corporate director to review corporate
2 records. The corporation sought a protective order in association with disclosing the records
3 and the court of appeal vacated the order, finding no basis to restrain the director's speech. The
4 Court of Appeal found *Hurvitz* inapplicable because the protective order in *Saline* was not
5 issued in the context of a trial.

6 Obviously *Saline* has nothing to do with this case--except that it rejects an
7 insufficiently supported request for a gag order. Nor does *Saline* criticize *Hurvitz* or suggest
8 that the "clear and present danger" test in *Hurvitz* is not appropriate in the context of a pending
9 trial. No Court of Appeal has held that *Hurvitz* applies the wrong standard to review of pretrial
10 gag orders and no case has held that *Hurvitz* erred in requiring *evidence* to support a gag order.

11 *Hurvitz* is binding on this court under the rule of *Auto Equity Sales, Inc. v. Superior*
12 *Court*, 57 Cal.2d 450, 455 (1962) ("all tribunals exercising inferior jurisdiction are required to
13 follow decisions of courts exercising superior jurisdiction.").

14 *Hurvitz* required four tests to be satisfied, none of which has been supported by
15 evidence in this case:

- 16 1. The order either must be necessary to prevent a "clear and present danger of a
17 serious and imminent threat to the administration of justice" or there must be at
18 least a "substantial likelihood" that prejudicial publicity will prevent a fair trial;
- 19 2. There must not be less restrictive alternatives available to the court;
- 20 3. The order cannot be entered unless it is likely to be effective; and
- 21 4. The order must be narrowly drawn to avoid unnecessary infringement of First
22 Amendment rights.

23 *Hurvitz*, 84 Cal. App. 4th at 1241-42; *see generally*, *Levine v. United States District Court*,
24 764 F.2d. at 595-601 (directing district court to narrow overbroad gag order by specifying the
25 types of extra-judicial statements posing a *serious and imminent threat to the administration of*
26 *justice*).

1 **II. UNITED STATES V. FORD SUPPORTS THE DEFENDANT'S RIGHT OF**
2 **REPLY**

3 The Prosecutor cited two decisions "criticizing" *United States v. Ford*. The first
4 decision is a federal trial court decision, *U.S. v. Koubriti*, 307 F.Supp.2d 891 (E.D.Mich.
5 2004), which observes in a footnote (n. 6 p. 897), that not only the defendant, but all parties
6 have a Sixth Amendment right to a fair trial. This does not mean, however, that the court
7 rejected the notion that the defendant has a right to reply publicly to charges and the public has
8 a right to hear that reply. To the contrary, in connection with this highly charged terrorist trial,
9 the court issued an order *permitting* public disclosure of information and comment upon all
10 matters which had been disclosed in a public filing, hearing or other judicial or administrative
11 proceeding. *Id.* at 898. The prosecutor here seeks to bar such disclosure and comment.

12 The *Koubriti* order proscribed *only* discussion of confidential, sealed, or classified
13 information. It permitted discussion of:

14 (1) the general nature of any allegations or defenses; (2) information contained in the
15 public record; (3) scheduling information; (4) any decision or order by the court that is
16 a matter of public record; and (5) the contents or substance of any motion filed in the
17 case, to the extent the motion is a matter of public record.

18 *Id.* at 898. *Koubriti* does not support the broad proscription on the defendant's speech (and the
19 public's right to hear), that the prosecutor advocates in this case.

20 The People also cited *U.S. v. Brown*, 218 F.3d 415 (5th Cir. 2000), *cert. denied* 531
21 U.S. 1111 (2001). *Brown* involved a high public official charged with various crimes. The
22 district court did not impose a "no comment" rule, but instead left available to the parties
23 various avenues of expression, including "assertions of innocence, general statements about
24 the nature of an allegation or defense, and statements of matters of public record." *Id.* at 429-
25 30. The Court of Appeals distinguished (and did not criticize) *United States v. Ford*, on the
26 basis that the district court also made special allowances for Brown's re-election campaign by
27 lifting most of the order for the duration of the campaign. Unlike the Congressman in *Ford*,
28 who could not comment on his indictment during his re-election campaign because of a court-

1 imposed gag order, throughout his race Brown was able to answer, without hindrance, the
2 charges of his opponents regarding his indictment. *Id.* at 430. In other words, *Brown*
3 recognizes and upholds the defendant's right to reply publicly to the charges against him.

4 **III. THE DISTRICT ATTORNEY SEEKS AN OVERBROAD GAG ORDER**

5 The court asked during oral argument how a gag order could be "narrowly tailored" to
6 meet the standards of *Hurvitz* and the other authorities binding on this court. To avoid being
7 unconstitutionally overbroad, a gag order must be "no broader than is necessary to achieve
8 th[e] ends sought to be achieved by the trial court." *United States v. Salameh*, 992 F.2d 445,
9 447 (2d Cir. 1993); *Carroll v. President and Commissioner of Princess Anne*, 393 U.S. 175,
10 183 (1968) (gag order "must be couched in the narrowest terms that will accomplish the pin-
11 pointed objective permitted by constitutional mandate").

12 Even the broadest gag order could not achieve the court's expressed goal: to prevent
13 the rehash of gossip and rumors near the time of the trial, in order to protect the defendant's
14 constitutional right to a fair trial. The prosecutor would proscribe virtually all comment on or
15 discussion of the case outside the courtroom. The statements that would be "permitted" are all
16 already matters of public record and have been widely disseminated. Also permitted would be
17 replays of old interviews with both sides of the case, without any right of correction by either
18 party. The public would receive *no new* information about the case outside of the courtroom.

19 Such a broad gag order would have the opposite, unintended consequence: if
20 dissemination of non-prejudicial, accurate information about court proceedings and records is
21 proscribed, *only* gossip and rumor can be published and republished by the news media.
22 Inaccuracies in reporting could not be corrected. Leaks and misunderstandings could not be
23 explained away. The proposed order could not achieve the court's goal of cutting off rehashed
24 discussions of potentially prejudicial interviews and court records. The proposed proscription
25 of even non-prejudicial factual statements and comment--far broader than Rule 5-120--would
26 render the order unconstitutional in its overbreadth.

1 *Younger v. Smith* made clear that its holding pertained only to a challenge by the
2 prosecution, not to a challenge by "any other attorney," a prospective witness or the defendant.
3 30 Cal. App. 3d at 157 n.28. *Younger* emphasized that courts must distinguish among officers
4 of the court, the prosecutor and police, as opposed to the defendant and other "unwilling
5 participants" in the criminal trial:

6 We emphasize what needs no emphasis: what we are discussing is the standard
7 applicable to the propriety of protective orders insofar as they are directed against the
8 prosecutor and his staff, officers of the court. Quite conceivably a different standard
9 might be applicable to the defendant himself. Indeed, *Hamilton v. Municipal Court*, 270
10 Cal.App.2d 797 [76 Cal.Rptr. 168] did involve the impact of a protective order on the
11 defendant. If it be thought that *Hamilton* did actually hold that a clear and present danger
12 test was appropriate, it should be remembered that there the contemner was not an
13 officer of the court, but an unwilling party.

14 If the court issues an order, it must narrow the proscriptions on speech of persons unconnected
15 with the prosecution. Limitations on the prosecution and those subject to the prosecution's
16 directions and control should be tailored to be consistent with Rule 5-120 of the Rules of
17 Professional Conduct.

18 The defendant should be permitted to reply publicly (and the public should be allowed
19 to hear the reply) to both the government's conduct and to any leaks or misstatements in the
20 press. Any limitation on the defendant's and his attorney's speech must be narrow and
21 necessary, carefully aimed at comments likely to influence the trial or judicial determination.
22 *See Gentile v. State Bar of Nevada*, 501 U.S. at 1075.

23 **IV. CONCLUSION**

24 A broad order such as is described in the District Attorney's memorandum of points
25 and authorities would not satisfy the constitutional test set forth herein; it would
26 unconstitutionally impair newsgathering and restrain speech.

27 With respect to counsel, the order is unnecessary because speech by lawyers is
28 governed by Rules of Professional Conduct, rule 5-120.

1 With respect to the defendant and his counsel, the stricter standards for restraining
2 speech discussed in *Hurvitz* and *United States v. Ford*, could not be met in this case. They are
3 unsupported by any evidence.

4 Less restrictive alternatives exist including extensive voir dire and, if necessary,
5 change of venue.

6 Voir dire can play an important role in reminding jurors to set aside out-of-court
7 information, and to decide the case upon the evidence presented at trial. All of these
8 factors weigh in favor of affording an attorney's speech about ongoing proceedings our
traditional First Amendment protections.

9 *Gentile v. State Bar of Nevada*, 501 U.S. at 1054-1055.

10 The court should deny the motion for a broad protective order as unsupported by evidence
11 and inconsistent with the authorities binding upon it. If any order issues, it should be narrowly
12 tailored as discussed herein.


13 Pretrial criticism of the government's case is the price we pay for an open society and a
14 free press with access to criminal proceedings.

15 [O]ur criminal justice system is viewed to be hearty enough to withstand prejudicial
16 publicity and still guarantee a given defendant the most basic right to receive a fair
17 trial. In this regard, the cost to the criminal justice system to provide a fair trial, is the
price we pay for an open society, and a free press with access to criminal proceedings.

18 *Tribune Newspapers West, Inc. v. Superior Court*, 172 Cal. App. 3d 443, 458-459 (1985). As
19 this court observed during oral argument, this openness distinguishes our system from those
20 even of other developed societies and makes our system a model to which developing societies
21 aspire.

22 DATED: February 11, 2005

RIEGELS CAMPOS & KENYON LLP

23 
24 CHARITY KENYON
25 Attorneys for McClatchy Newspapers dba *The*
26 *Sacramento Bee* and its staff writer Ramon
27 Coronado
28

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PROOF OF SERVICE


I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Riegels, Campos & Kenyon, LLP, 2500 Venture Oaks Way, Suite 220, Sacramento, CA 95833. On February 11, 2005, I served the following document(s) by the method indicated below:

**THE SACRAMENTO BEE'S SUPPLEMENTAL
OPPOSITION TO PROTECTIVE "GAG" ORDER**

- ☒ by transmitting via facsimile on this date from fax number (916) 779-7120 the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 p.m. and was reported complete and without error. The transmission report, which is attached to this proof of service, was properly issued by the transmitting fax machine. Service by fax was made by agreement of the parties, confirmed in writing. The transmitting fax machine complies with Cal.R.Ct 2003(3).
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Sacramento, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.
- ☐ by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth below. A signed proof of service by the process server or delivery service will be filed shortly.
- ☐ by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth below. A copy of the consignment slip is attached to this proof of service.

SEE ATTACHED LIST

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on February 11, 2005, at Sacramento, California.



Noreen F. Witt

Proof of Service List

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

HEARING RE: PROTECTIVE ORDER

Date: 02/10/05 Time: 4:00 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant present
Defendant proceeds in Propria Persona.
2nd Chair Counsel Public Defender R. Banning pres.

Atty. Charity Kenyon also present on behalf
of the Sacramento Bee newspaper.
Atty. Kenyon is recognized by the Court and sits
at counsel table - over the People's objection.

Re: gag / protective order; the People have
received
The Court has read documents.
The Defendant states his position / argument
re: press coverage and what he deems inaccurate
information.
Further argument for press coverage by the
the People and Atty. Kenyon.

The Court takes the matter under submission
and will issue a ruling on Monday 02-14-05.
COURT ORDERS:
The protective order stays in place for now -
until the ruling on 02-14-05.

Oral motion on behalf of Defendant regarding change to list of
legal runners etc.
Motion is GRANTED.
The Defendant requests that Mr. Hickey be
removed from his list of helpers and that
Cynthia Hayes be added to the list.
The Court will send a copy of this minute order
to the Jail.

Hearing RE: Ruling on Protective Order set for 02/14/2005 at

2/14/05

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

13:00 in Department 2.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

CC: JAIL (FAX) / DIST ATTY / PUB DEF

RICHARD HAMLIN C/O JAIL

=====MINUTE ORDER END=====

Dispo

Compose Message

Charset for composing iso-8859-1From: "Sara Dahlgren" <sdahlgren@mail.eldoradocourt.org> ▼ Priority: Normal ▼

To: "Probation" <jessica.lettoile@co.el-dorado.ca.us;gromanko@co.el-dorado

CC:

BCC:

Reply-To: Confirm Reading ☐Attachment: Browse... AddSubject: Probation Report for Hamlin Backup sent message
☒SendSave Draftenglish ▼Spell CheckCancel

February 10, 2005

Hello. Dept. 2 needs a report and recommendation for:
HAMLIN, RICHARD WILLIAM, CASE #P04CRF0132, POSSIBLE J&S: 03-27-06 AT 1:30 P.M.

Thanks, Sara x6465

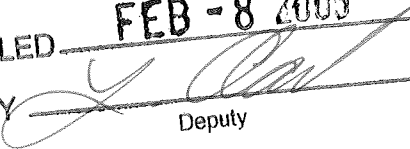
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1 CHARITY KENYON - SBN 078823
2 JOHN E. FISCHER - SBN 65792
3 RIEGELS CAMPOS & KENYON LLP
2500 Venture Oaks Way, Suite 220
4 Sacramento, CA 95833
Telephone: (916) 779-7100
Facsimile: (916) 779-7120

5 Attorneys for McClatchy Newspapers, Inc.
6 dba *The Sacramento Bee* and
staff writer Ramon Coronado

EL DORADO CO. SUPERIOR CT.
FILED FEB - 8 2005
BY  Deputy

7
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF EL DORADO
10

11 The People of the State of California,

Case No. P04CRF0132

12 Plaintiff,

***The Sacramento Bee's Opposition to
Protective "Gag" Order***

13 v.

14 Richard Hamlin

Date: February 10, 2005

Time: 4:00 p.m.

Dept: 2

Hon. Eddy T. Keller

15 Defendant.
16 _____ /

17
18 McClatchy Newspapers, Inc. dba *The Sacramento Bee* submits this memorandum of
19 points and authorities in opposition to any protective "gag" order in this matter. The District
20 Attorney has filed a motion for a protective order but no proposed order. While *The Bee* will
21 not have had an opportunity to review any such proposed order when this opposition is filed,
22 this memorandum of points and authorities sets forth the principles governing such
23 applications and will demonstrate the news media's standing to be heard.

24 **I. INTRODUCTION**

25 Gag orders broadly restricting comment on pending cases infringe on First
26 Amendment rights not only of counsel and the parties but also of the news media.

27 More than six decades ago in *Bridges v. California*, 314 U.S. 252, 265-268 (1941), the
28 United States Supreme Court recognized that the First Amendment protects discussion about

1 pending cases (rejecting the British system of proscription). The Court opined "the other evil
2 feared, disorderly and unfair administration of justice, is more plausibly associated with
3 restricting publications which touch upon pending litigation." *Id.* at 271.

4 The defendant's right to reply publicly to the prosecutor's charges is protected by the
5 First Amendment. With respect to statements by counsel, any gag order broader than the
6 corresponding Rule of Professional Conduct governing lawyer speech, rule 5-120 would
7 inhibit news gathering and is a prior restraint on the speech of the lawyers and parties. Rule 5-
8 120 permits speech unless it will have a "substantial likelihood of materially prejudicing an
9 adjudicative proceeding" (5-120 (A)) and even then allows lawyers to state various specified
10 facts (5-120 (B) (1)-(7)), as well as to make statements necessary to protect a client from
11 undue prejudicial effect of recent publicity (5-120 (C)).

12 **II. THE NEWS MEDIA ARE ENTITLED TO AN OPPORTUNITY TO BE HEARD**

13 *The Sacramento Bee* respectfully requests that it be given an opportunity to be heard in
14 opposition to any gag order on the basis that it is overbroad and inconsistent with the
15 constitutional principles that limit imposition of such restraints on speech and on news gathering.
16 The courts have consistently recognized the rights of the press and public to challenge court
17 orders restricting access to court proceedings. *See, e.g., Craemer v. Superior Court*, 265 Cal.
18 App. 2d 216, 218 (1968); *In re Application of Dow Jones & Co., Inc.*, 82 F.2d 603, 606-608 (2d
19 Cir. 1988). Decisions recognizing expressly or implicitly the press' standing to appear in
20 opposition to orders infringing First Amendment rights of the press and public to attend court
21 proceedings and review records are numerous. *See, e.g., Press-Enterprise Co. v. Superior Court*
22 (*Press-Enterprise II*), 478 U.S. 1 (1986); *Press-Enterprise Co. v. Superior Court (Press-*
23 *Enterprise I)*, 464 U.S. 501 (1984); *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596
24 (1982); *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980).

25 Courts have found that media intervenors have standing to challenge gag orders placed
26 on trial participants as an infringement of their right to gather news. *See CBS, Inc. v. Young*,
27 522 F.2d 234, 237-38 (6th Cir. 1975)("[CBS'] ability to gather the news concerning the trial is
28 directly impaired or curtailed. The protected right to publish the news would be of little value

1 in the absence of sources from which to obtain it."); *see also, e.g., Radio & Television News*
2 *Ass'n v. United States District Court*, 781 F.2d 1443, 1445 (9th Cir. 1986) (concrete personal
3 interest is involved because order impairs the media's ability to gather news by denying access
4 to trial counsel); *Craemer v. Superior Court*, 265 Cal. App. 2d 216 (1968) (recognizing
5 analogous standing of journalist to seek access to court records sealed by court order).

6 **III. GAG ORDERS CARRY A PRESUMPTION OF UNCONSTITUTIONAL PRIOR** 7 **RESTRAINT**

8 Gag orders not only restrain newsgathering but are also subject to strict scrutiny as
9 restraints on the speech rights of, in this case, the attorneys and parties to this action involving
10 an issue of high public interest--in this case an accusation of spousal murder. *See Levine v.*
11 *United States District Court*, 764 F.2d. 590, 595-601 (9th Cir. 1985) (gag order is properly
12 characterized as a prior restraint). Because a gag order enjoins individuals from uttering words
13 not yet spoken, it is a classic "prior restraint" on speech. *Younger v. Smith*, 30 Cal. App. 3d
14 138, 159 (1973); *Nebraska Press Association v. Stuart*, 427 U.S. 539, 556 (1976). As a prior
15 restraint, a gag order bears a "heavy presumption against . . . constitutional validity." *Nebraska*
16 *Press Association*, 427 U.S. at 545.

17 **IV. HURVITZ V. HOFFFLIN APPLIES THE CLEAR AND PRESENT DANGER** 18 **STANDARD AND IS BINDING ON THIS COURT**

19 Before *Press-Enterprise*, one California court held a gag order would be permitted if
20 supported by a finding of a "reasonable likelihood of prejudicial news which would make
21 difficult the impaneling of an impartial jury and tend to prevent a fair trial." *Younger v. Smith*,
22 30 Cal. App. 3d 138, 163-164 (1973). (DA's memorandum of points and authorities p.5).
23 *Hamilton v. Municipal Court for Berkeley-Albany Judicial Dist.*, 270 Cal. App. 2d 797 (1969),
24 a decision permitting the muzzling of anti-war demonstrators prior to their trial for disrupting
25 the University campus, is similarly out of date. (DA's memorandum of points and authorities
26 pp.3-5).

27 After *Press-Enterprise*, California Courts have rejected the "reasonable likelihood of
28 prejudice" standard and have adopted the stricter "clear and present danger of a serious and
imminent threat to the administration of justice" standard for issuance of gag orders.

1 The District Attorney fails to cite *Hurvitz v. Hoefflin*, 84 Cal. App. 4th 1232 (2000),
2 the post-*Press Enterprise* California decision that applied the higher, "clear and present
3 danger" standard to strike down a gag order in a civil case brought by a cosmetic surgeon
4 against his former business partner. The court held that gag orders are "prior restraints and
5 presumptively invalid" (*id.* at 1241):

6 Gag orders on trial participants are unconstitutional unless (1) the speech sought to be
7 restrained poses a clear and present danger or serious and imminent threat to a protected
8 competing interest; (2) the order is narrowly tailored to protect that interest; and (3) no
9 less restrictive alternatives are available. [Footnote omitted].

10 *Id.* at 1241-42. *Hurvitz* held that the burden is on the party seeking the gag order to justify it
11 and the trial court must make express findings showing it applied this constitutional standard
12 and considered and weighed the competing interests. *Id.* Finally, the court held that
13 constitutional protection against prior restraint applies with equal force to speech that violates
14 a privilege or subjects the speaker to administrative or professional sanctions. *Id.* at 1244.

15 Because of the heavy presumption against the validity of a prior restraint, a gag order,
16 even to preserve fair trial rights, can be entered only if four tests are satisfied:

- 17 1. The order either must be necessary to prevent a "clear and present danger of a
18 serious and imminent threat to the administration of justice" or there must be at
19 least a "substantial likelihood" that prejudicial publicity will prevent a fair trial;
- 20 2. There must not be less restrictive alternatives available to the court;
- 21 3. The order cannot be entered unless it is likely to be effective; and
- 22 4. The order must be narrowly drawn to avoid unnecessary infringement of First
23 Amendment rights.

24 *See Hurvitz v. Hoefflin*, 84 Cal. App. 4th at 1241-42; *see generally, Nebraska Press*
25 *Association v. Stuart*, 427 U.S. at 562-570 (invalidating order restraining media from reporting
26 news lawfully gathered); *Levine v. United States District Court*, 764 F.2d. at 595-601
27 (directing district court to narrow overbroad gag order by specifying the types of extra-judicial
28 statements posing a *serious and imminent threat to the administration of justice*); *see also, e.g.*
United States v. Ford, 830 F.2d 596 (6th Cir. 1987) (invalidating order proscribing extra-

1 judicial statements including opinion of or discussion of evidence and facts in investigation of
2 case); *CBS, Inc. v. Young*, 522 F.2d 234, 239 (6th Cir. 1975) (Kent State case; invalidating
3 order proscribing plaintiffs or defendants, their relatives, close friends and associates from
4 discussing in any manner whatsoever the cases with members of the news media or the
5 public).

6 The *Levine* court noted that an order directed to publicity during or immediately prior to
7 trial may be more justifiable than one issued long before trial, since publicity on the eve of trial
8 "has a greater potential for prejudice than publicity months in advance of trial." *Id.* at p. 598. The
9 court struck down as overbroad an order that prohibited any comment by counsel that would bear
10 "upon the merits to be resolved by the jury," since many such statements would have no
11 prejudicial impact. *Id.* at p. 598-599.

12 The United States Supreme Court has not decided the appropriate standard to apply to
13 gag orders. *Gentile v. State Bar of Nevada*, 501 U.S. 1030 (1991), considered the
14 constitutionality of Nevada's rule, adopted from ABA Rule of Professional Conduct 3.6, which
15 prohibits lawyers from making extra-judicial statements, if the lawyer knows and reasonably
16 should know that it will have a "substantial likelihood of materially prejudicing an adjudicative
17 proceeding." (*Id.* at p. 1034.) The Court rejected the State's argument that a lower standard
18 would justify such a restriction on speech.

19 As in *Levine*, the United States Supreme Court specifically recognized that statements
20 made by trial participants to the press months before trial are far less likely to result in a
21 "substantial likelihood of materially prejudicing an adjudicative proceeding." 501 U.S. at 897.

22 A statement which reaches the attention of the venire on the eve of voir dire might require
23 a continuance or cause difficulties in securing an impartial jury, and at the very least could
24 complicate the jury selection process As turned out to be the case here, exposure to
25 the same statements six months prior to trial would not result in prejudice, the content
fading from memory long before the trial date.

26 *Id.* at p. 904.

27 Comments by counsel and the parties to the press at these early stages of these
28 proceedings, simply cannot be demonstrated to present a "substantial probability" of prejudice to

1 defendant's right to a fair trial. Certainly any danger of prejudice at the time of trial could be
2 obviated by resort to less constitutionally burdensome alternatives, such as extensive voir dire
3 and/or change of venue.

4 **V. A GAG ORDER IS NOT APPROPRIATE TO PREVENT THE DEFENDANT**
5 **FROM REPLYING PUBLICLY TO THE CHARGES AGAINST HIM**

6 The District Attorney's main concern seems to be "undignified" statements *by the*
7 *defendant*. (DA's memorandum of points and authorities at p.6). However, the right of the
8 accused to speak is protected by the First Amendment, as is the public's right to hear his reply
9 to the prosecutor's charges. *United States v. Ford*, 830 F.2d 596, 599(6th Cir.1987):

10 A criminal defendant awaiting trial in a controversial case has the full power of the
11 government arrayed against him and the full spotlight of media attention focused upon
12 him.

13 The defendant's interest in replying to the charges and to the associated adverse
14 publicity, thus, is at a peak. . . . The "accused has a First Amendment right to reply
15 publicly to the prosecutor's charges, and the public has a right to hear that reply, because
16 of its ongoing concern for the integrity of the criminal justice system and the need to
17 hear from those most directly affected by it." Freedman & Starwood, *Prior Restraints*
18 *on Freedom of Expression by Defendants and Defense Attorneys: Ratio Decidendi v.*
19 *Obiter Dictum*, 29 Stan.L.Rev. 607, 618 (1977).

20 Here, the defendant has the right to reply publicly to the prosecutor's charges and the public, as
21 in *Ford*, has the right to hear that reply.

22 *Ford* distinguished *Sheppard v. Maxwell*, 384 U.S. 333 (1965) (DA's memorandum of
23 points and authorities at pp. 2-3) on the basis that *Sheppard* arose from the failure of a state
24 criminal court to prevent irresponsible elements of the press from taking over practically the
25 courtroom and creating a "carnival atmosphere" in which the defendant was held up to
26 ridicule. *Id.* at 355, 358. As *Ford* recognized, no restraint on the defendant's speech was at
27 issue in *Sheppard*. See *United States v. Ford*, 830 F.2d at 598.

28 *Ford* observed:

It is true that permitting an indicted defendant like Ford to defend himself publicly
may result in overall publicity that is somewhat more favorable to the defendant than
would occur when all participants are silenced. This does not result in an "unfair" trial
for the government, however.

1 It is the individual defendant to whom the Sixth Amendment guarantees a fair trial.
2 [Fn. omitted] See *Levine v. United States District Court*, 764 F.2d 590, 596 (9th
3 Cir.1985), cert. denied, 476 U.S. 1158 (1986). It is the public to whom the First
4 Amendment guarantees reasonable access to criminal proceedings. *Richmond*
5 *Newspapers, Inc. v. Virginia*, 448 U.S. 555, 100 S.Ct. 2814, 65 L.Ed.2d 973 (1980).
6 And it is individuals, not the government, to whom First Amendment interests attach.
7 To the extent that publicity is a disadvantage for the government, the government must
8 tolerate it. The government is our servant, not our master.

9 830 F.2d 600.

10 Applying *Ford* to this case, a restraint on speech that is more favorable to the
11 defendant would not result in an unfair trial for the government. It is the defendant to whom
12 the Sixth Amendment guarantees a fair trial. Moreover, a gag order would not prevent
13 publication of information about the case pending and during trial, but it could result in the
14 perpetuation of an error or misunderstanding of information already reported to the public.
15 There has been no evidence presented to support a finding that the courts of the State of
16 California would be unable to seat an unbiased jury or that the jury would not heed
17 admonitions to avoid news reports during the trial.

18 Referring specifically to the constitutional test set forth above:

- 19 1. There is no basis for concluding that there is a substantial threat of imminent
20 harm to defendant's fair trial rights in this case. Rule 5-120 exists as a rule of
21 professional conduct applicable to all counsel in the matter;
- 22 2. A less restrictive alternative exists: the court could remind and admonish counsel
23 to adhere to the rules of professional conduct. During voir dire, the court will
24 have the opportunity to identify and excuse any jurors who have developed an
25 unalterable bias against either party and to admonish all jurors to avoid media
26 coverage of this newsworthy trial. If necessary, venue can be changed to another
27 more metropolitan area;
- 28 3. The proposed order is not likely to have the effect sought by the parties and the
court. All news media have available myriad details that they can report about

1 the case. Instead, the overbroad gag order impairs the ability of the news media
2 to report accurately and fully about a matter of substantial public interest;

- 3 4. Any such order must be narrowly drawn. It should not proscribe both prejudicial
4 and non-prejudicial speech that has no tendency at all to prejudice the fair trial
5 rights of the defendant.

6 For these reasons, the court should decline to issue a gag order and should instead direct
7 counsel to adhere to rule 5-120.

8 **VI. A BROAD GAG ORDER WOULD BE INCONSISTENT WITH**
9 **CONSTITUTIONAL STANDARDS**

10 There appears to be no basis that would be consistent with the constitutional standards
11 set forth in this memorandum for imposing a broad gag order.

12 In particular, extensive publicity is not alone sufficient to support closure of court
13 proceedings. *Hurvitz*, 84 Cal. App. 4th at 1242-43. For the same reasons, publicity alone cannot
14 suffice to gag participants. In criminal cases, graphic and detailed pretrial publicity does not
15 suffice to preclude public access to pretrial proceedings:

16 Media dissemination of the alleged facts of horrifying and threatening criminal activity
17 particularly multiple murders, unfortunately is a fact of life in our society. The news
18 reports may, and do, contain inadmissible hearsay, rank and unfounded opinions,
19 incriminating statements, inaccurate sketches and more. But our criminal justice system
20 is viewed to be hearty enough to withstand prejudicial publicity and still guarantee a
21 given defendant the most basic right to receive a fair trial. In this regard, the cost to the
22 criminal justice system to provide a fair trial, is the price we pay for an open society, and
23 a free press with access to criminal proceedings.

24 *Tribune Newspapers West, Inc. v. Superior Court*, 172 Cal. App. 3d 443, 458-459 (1985).

25 With respect to the effect of pretrial publicity the United States Supreme Court has
26 noted:

27 Empirical research suggests that in the few instances when jurors have been exposed to
28 extensive and prejudicial publicity, they are able to disregard it and base their verdict
upon the evidence presented in court. [Citations.] Voir dire can play an important role in
reminding jurors to set aside out-of-court information, and to decide the case upon the
evidence presented at trial. All of these factors weigh in favor of affording an attorney's
speech about ongoing proceedings our traditional First Amendment protections.

Gentile v. State Bar of Nevada, 501 U.S. at 1054-1055.

1 In this case the prediction that pretrial publicity would unfairly impact jurors could be
2 based only on pure speculation, which would be insufficient to support the proposed order.
3 *Hurvitz*, 84 Cal. App. 4th at 1243. Certainly it is insufficient to show a serious and imminent
4 threat to the administration of justice months from trial, which has not even been set.

5 **VII. THE PUBLIC'S CONFIDENCE IN THE JUSTICE SYSTEM WOULD BE**
6 **THWARTED BY THE GAG ORDER**

7 The United States Supreme Court has held, with respect to speech about pending
8 criminal trials that openness enhances public confidence in the courts:

9 [T]he criminal justice system exists in a larger context of a government ultimately of the
10 people, who wish to be informed about happenings in the criminal justice system, and, if
11 sufficiently informed about those happenings, might wish to make changes in the
12 system. The way most of them acquire information is from the media. . . . The right to an
open public trial is a shared right of the accused and the public, the common concern
being the assurance of fairness. (*Press-Enterprise II*, *supra*, 478 U.S. at 7.) Public access
to criminal proceedings "is essential to proper functioning of the criminal justice
system." (478 U.S. at 12.)

13 *Gentile v. State Bar of Nevada*, 501 U.S. at 1070-71. The same reasoning applies to the
14 conduct of these proceedings. Imposition of a gag order would frustrate those values.

15 **VIII. CONCLUSION**

16 *The Sacramento Bee* respectfully requests an opportunity to be heard in opposition to
17 the prosecutor's motion to impose a gag order in this case.

18 A broad order such as is described in the District Attorney's memorandum of points
19 and authorities would not satisfy the constitutional test set forth herein; it would
20 unconstitutionally impair newsgathering and restrain speech. With respect to counsel, the order
21 is unnecessary because speech by lawyers is governed by Rules of Professional Conduct, rule
22 5-120.

23 The stricter standards for restraining speech of non-lawyer trial participants, discussed
24 in *United States v. Ford*, could not be met in this case.

25 The court will have the opportunity to change venue, to uncover bias during voir dire
26 and to admonish jurors to avoid news media coverage of the trial.

1 The news media cannot, in any event, be restrained from reporting in detail on the
2 ongoing litigation. The narrower, constitutionally appropriate alternative is to admonish
3 counsel to observe the requirements of Rule 5-120.

4 DATED: February 7, 2005

RIEGELS CAMPOS & KENYON LLP

5
6 

7 CHARITY KENYON
8 Attorneys for McClatchy Newspapers dba *The*
9 *Sacramento Bee* and its staff writer Ramon
10 Coronado
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1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a
3 party to the within action. My business address is Riegels, Campos & Kenyon, LLP, 2500
4 Venture Oaks Way, Suite 220, Sacramento, CA 95833. On February 7, 2005, I served the
5 following document(s) by the method indicated below:

6 **THE SACRAMENTO BEE'S OPPOSITION TO**
7 **PROTECTIVE "GAG" ORDER**

8 ☒ by transmitting via facsimile on this date from fax number (916) 779-7120 the
9 document(s) listed above to the fax number(s) set forth below. The transmission was
10 completed before 5:00 p.m. and was reported complete and without error. The
11 transmission report, which is attached to this proof of service, was properly issued by the
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14 ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully
15 prepaid, in the United States mail at Sacramento, California addressed as set forth below.
16 I am readily familiar with the firm's practice of collection and processing of
17 correspondence for mailing. Under that practice, it would be deposited with the U.S.
18 Postal Service on that same day with postage thereon fully prepaid in the ordinary course
19 of business. I am aware that on motion of the party served, service is presumed invalid if
20 the postal cancellation date or postage meter date is more than one day after the date of
21 deposit for mailing in this Declaration.

22 ☐ by placing the document(s) listed above in a sealed envelope(s) and by causing personal
23 delivery of the envelope(s) to the person(s) at the address(es) set forth below. A signed
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28 attached to this proof of service.

SEE ATTACHED LIST

21 I declare under penalty of perjury under the laws of the State of California that the
22 above is true and correct. Executed on February 7, 2005, at Sacramento, California.

23 
24 Noreen F. Witt

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PUBLIC DEFENDER'S OFFICE
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(530) 621-6440

Attorney for Defendant

FILED

FEB -7 2005

EL DORADO CO. SUPERIOR COURT
BY Shaw (DEPUTY)

SUPERIOR COURT OF CALIFORNIA

COUNTY OF EL DORADO

STATE OF CALIFORNIA,

CASE NO.: P04CRF0132

Plaintiff,

RESPONSE TO MOTION FOR
PROTECTIVE ORDER

Vs.

RICHARD HAMLIN,

Hearing Date: 2-10-05

Hearing Time: 4:00 p.m.

Defendant.

Department: 2

POINTS AND AUTHORITIES

The defense opposes the state's request for a "gag" order. Specifically, the state has asked for an order prohibiting the parties from directly or indirectly releasing or discussing the merits of any of the facts and issues involved in the upcoming trial. The defense finds the request somewhat confusing, vague, and poorly worded. The defense does not understand how a person can directly or indirectly release merits of any of

1 the facts and issues involved in the upcoming trial.

2 Nevertheless, the defense will respond to the state's request.

3 I.

4 PROPER TEST FOR A GAG ORDER

5 The defense contends that the proper test is the "clear
6 and present danger" standard. The state cites Younger v.
7 Superior Court (1973) 30 Cal.App.3d 138 as authority for the
8 proposition that the "clear and present danger" standard is
9 irrelevant to gag orders made against officers of the court.
10 The defense disagrees and urges this Court to look at the
11 circumstances of Younger and the lack of precedent cited by the
12 Younger court.
13

14 After the Younger court concedes that the United States
15 Supreme Court relied on the "clear and present danger" test in
16 several cases cited in Younger, that court simply takes its own
17 direction and states, quite out of the blue, that the test is
18 simply irrelevant in the Younger case. Why? Not for any
19 reason that makes sense. The Younger court stated at Page 163
20 that when a court "is under a constitutional duty to curb
21 speech to combat the evil of an unfair trial, the test is
22 irrelevant. Some other yardstick will have to be found."
23

24 The Younger court's only authority was a federal 10th
25 Circuit case (United States v. Tijerina 412 F.2d 661). That
26 precedent is not, of course, binding on this Court, nor was it
27
28

1 binding on the Court Of Appeal. The Younger court then
2 endorsed the "reasonable likelihood" test used in Tijerina.

3 The defense contends that the "reasonable likelihood" test
4 has absolutely no value. It is far too vague to have any
5 meaning and leaves too much room for judicial manipulation to
6 be wielded against unpopular defendants or cases. While the
7 Younger court believed that such a test has honesty as its
8 virtue, the defense believes that the court was simply wrong.
9

10 Therefore, the defense again contends that the "clear and
11 present danger" test as enunciated in Bridges v. California 314
12 U.S. 252, has never been overruled or discarded as the proper
13 test in California. Bridges and other cases were cited with
14 approval in Sheppard v. Maxwell (1966) 384 U.S. 333.
15

16 II.

17 THE DEFENDANT'S ATTEMPTS TO SPEAK TO

18 NEWS OUTLETS WERE DONE TO REFUTE LIES

19 RELEASED BY THE PROSECUTION TO NEWS OUTLETS

20 The most important reason why the defense has attempted to
21 contact news outlets and should be allowed to continue to do so
22 is to correct lies, misstatements, and misrepresentations.
23

24 At one of Mr. Hamlin's first court appearances Deputy
25 District Attorney Joe Alexander stated in court and later to
26 news outlets that the District Attorney's office was in the
27 process of revealing additional alleged victims of Mr. Hamlin.
28

1 These new and additional alleged victims were people other than
2 members of Mr. Hamlin's family.

3 Sacramento television station KCRA and their internet
4 site, TheKCRACHannel.com, stated in their story that "In court
5 Friday, prosecutors said that Hamlin may have victimized
6 others, **prompting the judge to revoke bail.**" (Emphasis added.)
7 The story added that the District Attorney's office would not
8 elaborate on the circumstances surrounding the possible
9 "additional victims". This is an example of how the District
10 Attorney's office has made baseless accusations while refusing
11 to provide details of such accusations. When such accusations
12 have withered, died, and proved to be lies, no further mention
13 is made of the general accusations, although the accusation has
14 been made public and has never been retracted. The reason the
15 District Attorney's office has not elaborated any further on
16 these claims is because there was no truth to them.

17 The bail revocation continues to stand and has never been
18 reversed, despite the untruthfulness of the accusation that led
19 to the bail revocation. Obviously, this has caused great
20 prejudice to Mr. Hamlin. His incarceration has prevented more
21 vigorous participation in his defense.

22 There were many other lies that Mr. Hamlin has had to
23 contend with and attempt to correct. The Mountain Democrat,
24 which likely affects more potential jurors most directly,
25
26
27
28

1 published several stories regarding Mr. Hamlin's case. This
2 newspaper has reported that:

- 3 1) Mr. Hamlin was a "former attorney";
- 4 2) Mr. Hamlin had been cited for two incidents of
5 unsafe discharge of a weapon" before his arrest in
6 this case;
- 7 3) Mr. Hamlin had been part of a cult;
- 8 4) Mr. Hamlin has "unaccounted for" firearms and will
9 use them if released;
- 10 5) Mr. Hamlin has caused "permanent disfigurement" to
11 Mrs. Hamlin.

12
13 The Mountain Democrat has corrected two of these lies. In
14 its "Corrections Column" it was written that it had
15 incorrectly stated that Mr. Hamlin was a "former attorney" and
16 that Mr. Hamlin had never been cited before his arrest in this
17 case. The "Corrections Column" was small and placed towards
18 the back of the newspaper. These corrections and their
19 placement must be contrasted to the size on placement on page
20 one of the incorrect stories.

21
22 As to the Mountain Democrat's false allegation that Mr.
23 Hamlin had been in a satanic cult, it was written in the
24 newspaper that "it was specifically outlined in complaints
25 brought against him by his wife and is included in reports
26 from the District Attorney's office."

1 The allegation is a lie. Mr. Hamlin has never been
2 associated with such a group or cult and is, in fact, opposed
3 to such groups. More importantly, the District Attorney's
4 office does not have any evidence of such a claim. As is now
5 very clear, Mrs. Hamlin gave a statement to the El Dorado
6 County Sheriff's Office that she and her father, Sidney
7 Siemer, and other Siemer family members were involved in
8 satanic cult activity. Mrs. Hamlin was the one who gave a
9 statement to the El Dorado County Sheriff's Office detailing
10 her criminal participation in a conspiracy to kill Mr. Hamlin
11 and her molestation of the Hamlin children.
12

13 The lies that the District Attorney's office has
14 disseminated did considerable damage to Mr. Hamlin's
15 credibility and to his defense. Based on news coverage, Mr.
16 Hamlin supposedly has been disbarred, has broken laws before
17 this arrest, has been connected to a satanic cult and is so
18 violent that his alleged crimes were not limited to his family
19 but included other people. The picture is drawn of Mr. Hamlin
20 as a repeat offender who is extremely violent and conceals
21 firearms for future use.
22

23 The fact of the matter is that Mr. Hamlin is 44 years old
24 and has no criminal history. He is an attorney and has never
25 been disciplined by the state bar association.
26

27 As should be plain to this court, the picture drawn of Mr.
28 Hamlin by news accounts that reach potential jurors is not

1 consistent with the evidence possessed by the District
2 Attorney's office and is not consistent with the truth. Left
3 without comment or rebuttal, Mr. Hamlin's defense has been
4 seriously damaged by the lies that have been published.

5 Additionally, the District Attorney's office has stated
6 that Mr. Hamlin may be suffering from "hallucinations". It
7 has claimed that Mr. Hamlin's hallucination is connected to a
8 false belief that there was a murder plot against him and that
9 Mrs. Hamlin had been molested.

10
11 The use of such a term about a defendant before trial is
12 clearly wrong and used only as tools to wrongly discredit him
13 and to gain an unfair advantage. In this case the use of such
14 terms is even more inappropriate because the District
15 Attorney's office knows that the claims of a murder plot and
16 Mrs. Hamlin's molestation came directly from Mrs. Hamlin.
17 Mrs. Hamlin is the person who gave a statement to law
18 enforcement about a murder plot and her molestation. She
19 wrote about these events. Any comment made by Mr. Hamlin
20 about these matters came from information provided by Mrs.
21 Hamlin. Mr. Hamlin certainly cannot be delusional about facts
22 stated by Mrs. Hamlin.

23
24
25 The prosecution has had the advantage of alleged acts
26 being published by news outlets. The news media has slavishly
27 published information fed to them by the prosecution. The
28 news media has published accusations that Mr. Hamlin "put a

1 gun in the mouth" of Mrs. Hamlin, he slept with a gun pressed
2 next to her body, he had a hit list, he threatened to kill her
3 if his alleged spousal abuse was revealed, and many other
4 claims that he will apparently face at trial. The claims are
5 being published as facts and without the balance of
6 information from the defense side.
7

8 Mr. Hamlin is entitled to a fair trial. The District
9 Attorney's office has been able to use the news media to its
10 advantage. Now that Mr. Hamlin is fighting back and is using
11 alternative news outlets, the prosecution wants to muzzle the
12 defense. The prosecution's offer to be bound by a gag order
13 is of no value. The prosecution has already been able to do
14 its damage. Probably the most ironic aspect of this entire
15 issue, however, is that the Mountain Democrat is given free
16 access to arrest reports from the various law enforcement
17 agencies. If this court is truly interested in promoting fair
18 trials, this court would permanently enjoin such practices and
19 prevent cases from being tried in the press before cases have
20 a chance to even get to court. Such a broad stroke cannot be
21 tolerated, however. The only other option is to permit
22 defendants an opportunity to respond and fight back.
23 Certainly, potential jurors cannot be prejudiced by reading
24 and hearing accurate information about a criminal case.
25
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28

1
2 III.

3 THE STATE HAS NOT SHOWN THAT THE DEFENSE
4 HAS PREJUDICED THE POTENTIAL JURY POOL

5 Mr. Hamlin's attempt to gain equal footing regarding
6 published information has not been shown to have reached any
7 potential jurors. The state attached a declaration to its
8 motion from El Dorado County Sheriff's Office detective
9 Richard Strasser, indicating that he had visited a website on
10 which Mr. Hamlin had published an open letter. Of course,
11 detective Strasser is not a potential juror in this case. No
12 information has been alleged by the state that informs this
13 court as to the reach of the website to potential jurors for
14 this case.
15
16

17 Only one story has been published in the Mountain Democrat
18 regarding the defense's attempt to rebut the unfair advantage
19 gained by the prosecution due to the false information
20 released to news outlets. There has been no television
21 coverage or any coverage by Sacramento news outlets of this
22 aspect of the case.
23

24 This court expressed concern about news reporters asking
25 to see the court's file. The file, of course, is open to the
26 public. The defense should not be gagged simply because a
27 member of the public, reporter or not, asks to see the court
28 file.

1 Obviously, the fact that reporters are interested in this
2 case and are writing about it is not within the control of the
3 defense. Actually, the manipulation of the press by the
4 prosecution is the reason the defense finds itself seeking
5 news outlets to enforce its right to a fair trial by
6 disseminating the truth.
7

8 Ultimately, it has not been shown that a single potential
9 juror has been unfairly prejudiced by the defense's release of
10 information.

11 This court cannot properly base its orders on speculation
12 or assumptions. The court can only base its orders on proper
13 proof brought before it. Of course, there is none here.
14


15 IV.

16 CONCLUSION

17 For all of the foregoing reasons, this court cannot extend
18 the gag order already in place.
19

20 Dated: February 7, 2005.
21

22
23 Respectfully submitted,

24 
25 ROBERT BANNING
26 Attorney for Defendant
27
28

Corrections

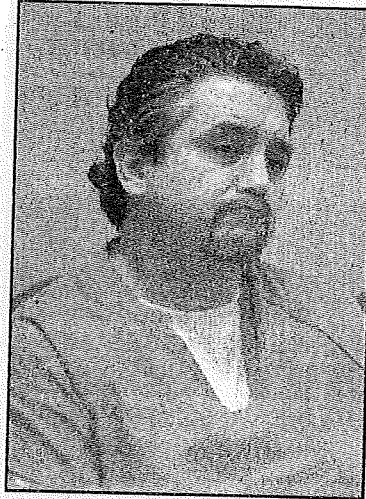
The lead guitarist in the Buckboard Bunch, Warren Liston's name was inadvertently left out of the band in a story in yesterday's Foothill Life section about the New Morning Jamboree at Hangtown Grange this Saturday.

t
6 The Mountain Democrat would like to clarify specific details regarding two recently published articles regarding Richard William Hamlin. Hamlin is being held in the El Dorado County jail due to threats allegedly made to family members. Hamlin is, thus far, only accused of these charges. In addition, in an article published March 17, the Democrat states that Mr. Hamlin had been "cited" for two incidents involving the unsafe discharge of a firearm. Hamlin was, in fact, not cited for these incidents. Lastly, Hamlin is still a member of the California State Bar. In a letter to the Democrat, Hamlin points out that he has never been a member of any cult, satanic or otherwise. The Democrat included this statement regarding Hamlin's alleged involvement in cult activity, as it was specifically outlined in complaints brought against him by his wife and is included in reports from the District Attorney's office.

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Bail revoked for man suspected of torture, abuse

By MARIAN SCHWENN
Staff writer



Democrat photo by Bill Putnam
FORMER ATTORNEY Richard Hamlin learns during his court appearance Friday that he will now be held without bail.

The \$1 million bail for Richard William Hamlin was raised to a no bail hold on Friday, due to threats made to family members and false information provided by Hamlin to investigating officers.

Hamlin, 43, of El Dorado Hills, was arrested Feb. 28, and is charged with six felony counts, which include domestic violence, the torture of his wife and causing her great bodily injury. Hamlin was once an attorney with the Sacramento County district attorney's office before

see **BAIL**, page A-7

And while the children

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And while the children

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BAIL

continued from A-1

going into private practice 13 years ago.

Hamlin's original bail was set at \$300,000, but was raised to \$1 million on Tuesday due to concerns stemming from information gathered during the initial stages of investigation.

Since that bail increase, the defendant allegedly made numerous death threats against his wife and family, according to the district attorney's office.

In addition, the district attorney's office discovered real estate held by Hamlin that they said could easily be liquidated, allowing Hamlin to bail out of the El Dorado County jail.

Another bail increase was requested by Joseph Alexander of the district attorney's office on Friday based on those alleged threats and reportedly false information provided by Hamlin.

"One million dollars is not sufficient ... to guarantee the safety of the family," Alexander told Superior Court Judge Douglas C. Phimister, adding that Hamlin "has unaccounted-for firearms and will use them" if released.

The bail increase "seems pre-

mature" Hamlin's defense attorney, Philip Cousins, told the judge.

Hamlin had previously told investigators that upon his release he would be residing with an attorney friend who currently lives in Sacramento, and therefore was not a flight risk. Investigators who attempted to verify Hamlin's claim were told by the attorney that he had no intentions of allowing Hamlin to live with him if he were released on bail.

Hamlin, who allegedly has possible connections to a satanic cult, is convinced that there is an assassination plot against him and may be suffering from hallucinations, according to the district attorney's report.

Alexander reminded the court that Hamlin has caused permanent disfigurement to his victim and has told her that if his arrest "ever comes to light, he will hunt her down and kill her," according to investigators.

Count one of Hamlin's criminal complaint alleges that he caused cruel and extreme pain and suffering for the purposes of revenge, extortion, persuasion,

and for a sadistic purpose to his wife, Susan.

Reports indicate that Hamlin has threatened his wife multiple times with handguns, placing a gun in her mouth on one occasion and to her head on another.

After his arrest, authorities discovered a "hit list" of people Hamlin said he would kill if he were ever arrested, according to the district attorney's report.

Reports also indicate that Hamlin has been involved with two unsafe discharges of a firearm within the last 30 days. During one such incident, Hamlin shot himself in the leg, according to his attorney and to sheriff's reports.

Hamlin has four children ranging in age from 6 to 16 years. The children are currently in protective custody for their own safety, according to Alexander.

A pre-preliminary hearing for Hamlin is scheduled for March 15 at which time Judge Phimister said he would further review the bail issue.

Call Marian Schwenn at 344-5071 or e-mail her at mschwenn@mtdemocrat.net.

Accused torturer case delayed

The pre-preliminary hearing for an El Dorado Hills resident who is accused of torturing his wife was delayed Monday to give the District Attorney's office more time to look over discovery in the case.

Richard William Hamlin, 43, sat quietly as his attorney Philip Cozens negotiated with Superior Court Judge Douglas C. Phimister for a new date.

The attorney and his client agreed to waive time in the case and a new hearing was set for April 8 at 8 a.m. in Phimister's court.

Hamlin, who is currently in custody with no bail, was arrested in late February and charged with a felony count of domestic violence and torture against his wife. His original bail was set at \$1 million but later revoked after the District Attorney's office alleged that he made threats against his wife, Susan, and family.

Court documents report that Hamlin has supposedly threatened his wife multiple times and allegedly held a gun to her head on at least one occasion. Hamlin was cited twice prior to his arrest for the unsafe discharge of a firearm, and shooting himself once in the leg, according to reports.

The documents also state that Hamlin, who has accused his wife and some family members of being involved in a cult, told authorities his wife was planning to have him killed. Sheriff's investigators have interviewed those allegedly involved with the plot but no charges have been filed.

TheKCRChannel.com

Bail Revoked For Attorney Facing Torture Charges

Richard Hamlin Accused Of Torturing Wife, Others

POSTED: 6:16 pm PST March 5, 2004
UPDATED: 7:07 pm PST March 5, 2004

EL DORADO HILLS, Calif. -- An El Dorado County judge Friday revoked bail for Richard Hamlin, a Sacramento attorney accused of torturing his wife.



As a deputy district attorney, Hamlin prosecuted many high-profile cases and is also well-known for his work as a defense attorney.

Hamlin is now facing his own set of very serious charges.

"The charges are real serious. The torture that was mentioned is a potential life offense," Hamlin's attorney, Philip Cozens, said. "I'm sure we're going to be entering a not guilty plea."

On Saturday, Hamlin was arrested at his El Dorado Hills home on six counts of torture, making terrorist threats, and inflicting injury on his wife -- possibly in connection with a satanic cult.

In court documents filed by the El Dorado County District Attorney's Office, they claim "the defendant has repeatedly threatened his wife with a handgun, placing it in her mouth on one occasion, and against her head on another." He allegedly slept with a handgun and "told the victim if she got up during the night and tried to leave him, he would shoot her."

In court Friday, prosecutors said Hamlin may have victimized others, prompting the judge to revoke bail.

The El Dorado County District Attorney's Office would not elaborate on the circumstances surrounding the possible additional victims.

Authorities said Hamlin's wife and four children have been moved into protective custody.

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Sacramento Bee

METRO

OBITUARIES B8-9 WEATHER B12

inside METRO



She's a winner

Kathi Nakao claims a dream home in a contest by Home and Garden Television. ▶ Story, B8

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which he thinks

his wife and her family are members.
The document also states, Hamlin
"has repeatedly threatened (the) vic-
tim with a handgun, placing it in her
mouth on one occasion and against
her head on another and threatened
to kill her if she reports the abuse he
has been subjecting her to."

Within the past 30 days, Hamlin al-
legedly forced his wife to sleep next
to him while he held a loaded gun -
with the safety off - pressed against
her chest. "Defendant told victim if
she got up during the night and tried

to leave him, he would shoot her,"
the document states.

Hamlin has been involved in two
unsafe firearm discharges within the
past 30 days. He shot himself in the
leg on one occasion, and on another,
he fired a gun into the air outside his
home, the document states.

El Dorado County Deputy District
Attorney Vicki Ashworth said the
charge of discharging a firearm with
gross negligence is related to firing a
shot into the air.

▶ LAWYER, page B3



Richard Hamlin
is being held in
jail on \$1 mil-
lion bail.

Lawyer: Officers say Hamlin made claims of cult plot

► CONTINUED FROM B1

Ashworth would not elaborate on other pending charges, if any.

"This has just recently come to light and because of the ongoing investigation and nature of the charges, I can't comment on anything further," Ashworth said in a phone interview Wednesday.

Ashworth said Hamlin will be assigned a public defender.

Hamlin was arrested at his sprawling El Dorado Hills home Saturday after sheriff's deputies began investigating claims that Hamlin made about a cult wanting to kill him, said Lt. Kevin House, spokesman for the sheriff's office.

Hamlin had contacted the sheriff's office Thursday and reported that a satanic cult was plotting to kill him. He also said he believed his wife and her family members were involved in the cult, House said.

Deputies interviewed Hamlin and his wife several times over the next few days. When deputies interviewed Hamlin's wife apart from her husband, she alleged that she had been physically and emotionally abused by him, House said.

Hamlin's wife and their four children have been placed in protective custody, House said. A restraining order has been filed against Hamlin, Ashworth said.

Hamlin worked as a deputy district attorney for Sacramento County from 1985 to 1989. During that time, he prosecuted a number of high-profile cases, including that of Paul John Schneider, a prison inmate and Aryan Brotherhood member who was convicted in 1989 of attempted murder after stabbing a prison guard in the neck while incarcerated at Folsom Prison. Schneider, while imprisoned at Pelican Bay, co-owned the dogs that mauled San Francisco resi-

dent Diane Whipple to death in January 2001.

Hamlin left the District Attorney's Office and went on to become a well-known criminal defense attorney in Sacramento. In 1994, he represented an aide for then-Gov. Pete Wilson. The aide pleaded guilty to a drunken-driving charge. In 1999, Hamlin defended another Wilson aide who pleaded no contest to a drunken-driving charge.

A bail review hearing for Hamlin has been scheduled for 1 p.m. Friday.

□ □ □

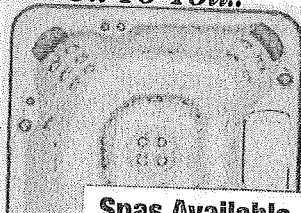
The Bee's Niesha Gates has been reached at (916) 608-7454 or ngates@sacbee.com. The Bee's Ramon Coronado contributed to this report.

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Lawyer arraigned in abuse case

Richard Hamlin pleads not guilty to six felony charges, including torture of his wife.

By Niesha Gates -- Bee Staff Writer

Published 2:15 am PST Thursday, March 4, 2004

Get weekday updates of Sacramento Bee headlines and breaking news. [Sign up here.](#)

Prominent Sacramento defense attorney Richard William Hamlin has pleaded not guilty in El Dorado Superior Court to six felony charges, including torture and corporal injury to his wife.

Hamlin, 43, was arrested Saturday and is being held in El Dorado County jail on \$1 million bail.

Hamlin was arraigned Tuesday afternoon on one count of torture, one count of discharge of a firearm with gross negligence, two counts of terrorist threats and two counts of inflicting corporal injury to a spouse.

Court documents allege that Hamlin had made numerous threats to his wife and her family, including repeatedly telling his wife that he would kill her and her family members if he were arrested. The Bee is withholding the wife's name.

In a court document filed Tuesday requesting that Hamlin's bail be increased from \$300,000, El Dorado County prosecutors stated that Hamlin reportedly has a "hit list" of people he would kill if arrested.

According to Hamlin's interview and statement to detectives, cited in the court document, he believes he is the target of an assassination plot by a satanic church of which he thinks his wife and her family are members.



Richard Hamlin is being held in jail on \$1 million bail.

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The document also states, Hamlin "has repeatedly threatened (the) victim with a handgun, placing it in her mouth on one occasion and against her head on another and threatened to kill her if she reports the abuse he has been subjecting her to."

[SALES, OUTS:
Professional P](#)

Within the past 30 days, Hamlin allegedly forced his wife to sleep next to him while he held a loaded gun - with the safety off - pressed against her chest. "Defendant told victim if she got up during the night and tried to leave him, he would shoot her," the document states.

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Hamlin has been involved in two unsafe firearm discharges within the past 30 days. He shot himself in the leg on one occasion, and on another, he fired a gun into the air outside his home, the document states.

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El Dorado County Deputy District Attorney Vicki Ashworth said the charge of discharging a firearm with gross negligence is related to firing a shot into the air.

[Satellite Tech
Must have ...](#)

Ashworth would not elaborate on other pending charges, if any.

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"This has just recently come to light and because of the ongoing investigation and nature of the charges, I can't comment on anything further," Ashworth said in a phone interview Wednesday.

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About the Writer

The Bee's Niesha Gates has been reached at (916) 608-7454 or ngates@sacbee.com. The Bee's Ramon Coronado contributed to this report.

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Hamlin trial delayed

By MARIAN SCHWENN
Staff writer

El Dorado Hills attorney Richard W. Hamlin, charged with torture and domestic violence against his wife, is getting a first-hand lesson in the downfalls of representing himself in a court of law.

Hamlin, 43, appeared before Superior Court Judge Eddie T. Keller Friday morning, requesting that his trial, originally scheduled for this week, be postponed, citing failure by the District Attorney's Office to provide hard copies of what he considers to be crucial evidence needed for his defense.

"From day one the documents have been solely in the hands of the state," complained Hamlin, adding, "They've had five months to copy documents and get them to me."

In defense of the District Attorney's Office, Vicki Ashworth, the deputy district attorney prosecuting the Hamlin case, said more than 1,000 pages of evidentiary documents have been "copied and scanned" by her office. The data, she said, were placed on one or more CDs and provided to Hamlin's previous counsel.

Hamlin, who is now representing himself and is currently in custody in the El Dorado County Jail, appealed to the judge, asking that hard

copies be provided to him. Hamlin explained to the court that even if he had the CDs in his possession, the jail provides no means of accessing the stored information.

In addition, Hamlin said the District Attorney's Office has books, letters and videotapes that he feels will demonstrate a lack of physical abuse toward his wife — items Ashworth told the court were "not relevant" to the case.

Hamlin is being held in the El Dorado County Jail without bail, charged with felony counts of domestic abuse and torture against his wife. He was arrested in February after reportedly threatening his wife multiple times.

see HAMLIN, page A-7



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HAMLIN

Hamlin's wife told police he had held a gun to her head on at least one occasion, according to interview reports.

Hamlin is also charged with the mental abuse of a child, a count that was added by the District Attorney's Office in May as a result of investigations into the Hamlin case.

"All written documents from my wife ... and from me ... they have in their possession," Hamlin told Keller, before asking to

postpone the trial date.

Keller asked Hamlin to provide a detailed list of documents and other items previously requested for the trial. Ashworth and Hamlin are scheduled to meet with the judge to discuss the list this Friday, at which time a new trial date will be set.

E-mail Marian Schwenn at mschwenn@mtdemocrat.net or call 344-5071.

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continued from A-3

Child abuse charge added in Hamlin case

By COLLEEN FLANNERY
Staff writer

The District Attorney's office has added a charge to counts against Richard



RICHARD WILLIAM HAMLIN

William Hamlin.

Hamlin was formally charged last April with felony domestic violence, causing great bodily injury and torture. A count of child mental abuse joins those charges in a formal pretrial hearing scheduled for 8 a.m. June 10.

The office decided to add the count last week, deputy DA Vicki Ashworth, a prosecutor in the case, said.

Instructions given to California jurors define mental abuse as "mental suffering that is not reasonably necessary," Ashworth said, adding that the abuse must be "excessive under the circumstances."

Court documents reveal that Hamlin, an El Dorado Hills attorney, supposedly threat-

see HAMLIN, page A-10

HAMLIN

continued from A-1

ened his wife multiple times and had allegedly held a gun to her head at least once.

Hamlin has four children ranging in age from 6 to 16. His wife and children were placed in protective custody immediately after the arrest, according to authorities.

Speaking generally of mental and emotional abuse, El Dorado Women's Center counseling coordinator Sue Huffstutler said merely watch-

ing the abuse of a parent could count as mental abuse of a child. Generally, when mentally abused by a parent, boys may act out, even becoming bullies. Girls hold in their feelings surrounding abuse, Huffstutler said. Both may revert to infant behavior or become insecure, she told the Mountain Democrat.

"Children become secondary victims of an abuser," Huffstutler said.

In a long-term abusive situation, children may initially identify with the attacker, she said. They don't want to anger their abuser, she said.

Huffstutler, who holds a master's degree in counseling, said she could not comment and was not commenting specifically on Hamlin's case.

Contact Colleen Flannery at cflannery@mtdemocrat.net or call her at 344-5062.

New twist in torture case

By RYAN MCCARTHY
Staff writer

The criminal defense attorney charged with torturing his wife added biological warfare Monday to potential trial issues that already include his claim a Satanic cult sought to murder him.

Richard Hamlin, 44, of El Dorado Hills wants to call as a witness a federal prison inmate he says met in 1982 in the Riverside County community of Indio to discuss biological

weapons research with a key figure in the murder plot Hamlin alleges exists.

Hamlin said Michael J. Riconosciuto, an inmate at a federal prison in Massachusetts, can testify that he met with the man Hamlin contends sexually abused his wife when she was a child and later sought to have Hamlin killed in a murder plot.

Riconosciuto, who claims ties to U.S. intelligence agencies, was convicted of drug-related charges. He has said he worked on computer software at an

Indian reservation in Indio. Hamlin did not link Riconosciuto to any role in the murder plot the defense attorney contends was in place. The defense attorney did not detail the discussion about biological weapons he said took place.

But Hamlin said in court Monday that Riconosciuto's testimony will help to confirm statements Susan Hamlin made in February to law enforcement about the alleged plot.

see **HAMLIN**, page A-7

HAMLIN

continued from A-1

"The places she talked about were real places," Hamlin said, citing Indio among them.

Susan Hamlin later recanted her original statements but Richard Hamlin contends she was telling the truth.

"I'm going to prove her first statements are true," he said. "I'm fighting for my life here."

Hamlin was arrested in February 2004 on suspicion of torture and felony domestic violence against his wife, Susan. He has pleaded not guilty to the charges that could send to him to prison for life. The prosecution contends Hamlin repeatedly threatened his wife with a handgun if she reported domestic violence, said to include him forcing her to sleep by his side while he held a loaded handgun pressed against her chest.

Deputy district attorney Vicki Ashworth challenged bringing Riconosciuto to El Dorado County for the trial expected to start later this month.

"We started with a Satanic cult," Ashworth said of the defense Hamlin has offered. "We've moved up to biological warfare."

"It's so outrageous," Ashworth said of Hamlin seeking testimony by the federal prison inmate. "There's absolutely no relevance."

"Rather than make this a circus in this courtroom — which is what this is about to be," Ashworth said, the focus should be on the felony domestic violence issues the case involves.

Judge Eddie T. Keller said Monday he will rule later on Riconosciuto testifying and

other issues Hamlin raised. Keller vacated the scheduled Tuesday start for the trial. The defense and prosecution are set to return Jan. 14 at 1:30 p.m. for trial setting before Judge Keller.

Hamlin, who has been in custody at El Dorado County Jail since his arrest, is representing himself.

"I'm working every night on this thing in my cell," he said.

Hamlin said Monday in court, "I'm not going to spend a lot of time talking about Satanic cults" during his trial. In a November interview at the county jail, Hamlin insisted he was the target of such a cult, conceding that "it is a pretty crazy story" — but adding, "I believe it is real."

Judge Keller said he'll have to be convinced of the relevance of Riconosciuto's testi-

mony before ordering the federal inmate's costly transport to the Placerville courtroom for the trial.

"You know who's going to get the bill for this — El Dorado County," Keller said.

E-mail Ryan McCarthy at rmccarthy@mtdemocrat.net or call 344-5071.

Prosecution: Sons will testify Hamlin pistol-whipped wife

By RYAN McCARTHY
Staff writer

Richard Hamlin's sons will testify that he pistol-whipped their mother during a Feb. 11, 2004, trip to Placer County, the prosecutor in the torture and felony domestic violence case says.

Deputy district attorney Vicki Ashworth referred in court Monday to the testimony during arguments over a motion by the defense that the El Dorado County

court has no jurisdiction over actions alleged to have happened in Placer County.

The alleged actions in the Roseville and Granite Bay area involve one of several counts filed against Hamlin, 44, a criminal defense attorney representing himself against allegations that could send him to prison for life.

He has pleaded not guilty.

Hamlin cited police reports that he and family members drove in a van to deliver a letter to a Placer

County woman Hamlin contends was involved in a murder plot against him. Believing his wife, Susan Hamlin, wasn't cooperating in locating the woman's home, Richard Hamlin told family mem-

bers to get out of the van, took his wife into a darkened field in an industrial area near the Galleria Mall and threatened her with a gun, according to police reports.

Deputy district attorney Ashworth said El Dorado County does have jurisdiction for the

same legal reason that if someone commits a murder in Sacramento County and dumps the body in El Dorado, the courts here have jurisdiction.

Attorney Philip Cozens, who is assisting Hamlin in his defense, said the dismissal sought should occur before jury selection in the case.

Judge Eddie T. Keller said Monday he will rule later on the defense motion to dismiss the count.

[Print Page](#)

Jan. 5, 2005 - New twist in torture case

By RYAN McCARTHY Staff writer

The criminal defense attorney charged with torturing his wife added biological warfare Monday to potential trial issues that already include his claim a Satanic cult sought to murder him.

Richard Hamlin, 44, of El Dorado Hills wants to call as a witness a federal prison inmate he says met in 1982 in the Riverside County community of Indio to discuss biological weapons research with a key figure in the murder plot Hamlin alleges exists.

Hamlin said Michael J. Riconosciuto, an inmate at a federal prison in Massachusetts, can testify that he met with the man Hamlin contends sexually abused his wife when she was a child and later sought to have Hamlin killed in a murder plot.

Riconosciuto, who claims ties to U.S. intelligence agencies, was convicted of drug-related charges. He has said he worked on computer software at an Indian reservation in Indio. Hamlin did not link Riconosciuto to any role in the murder plot the defense attorney contends was in place. The defense attorney did not detail the discussion about biological weapons he said took place.

But Hamlin said in court Monday that Riconosciuto's testimony will help to confirm statements Susan Hamlin made in February to law enforcement about the alleged plot.

"The places she talked about were real places," Hamlin said, citing Indio among them.

Susan Hamlin later recanted her original statements but Richard Hamlin contends she was telling the truth.

"I'm going to prove her first statements are true," he said. "I'm fighting for my life here."

Hamlin was arrested in February 2004 on suspicion of torture and felony domestic violence against his wife, Susan. He has pleaded not guilty to the charges that could send him to prison for life. The prosecution contends Hamlin repeatedly threatened his wife with a handgun if she reported domestic violence, said to include him forcing her to sleep by his side while he held a loaded handgun pressed against her chest.

Deputy district attorney Vicki Ashworth challenged bringing Riconosciuto to El Dorado County for the trial expected to start later this month.

"We started with a Satanic cult," Ashworth said of the defense Hamlin has offered. "We've moved up to biological warfare."

"It's so outrageous," Ashworth said of Hamlin seeking testimony by the federal prison inmate. "There's absolutely no relevance."

"Rather than make this a circus in this courtroom - which is what this is about to be," Ashworth said, the focus should be on the felony domestic violence issues the case involves.

Judge Eddie T. Keller said Monday he will rule later on Riconosciuto testifying and other issues Hamlin raised. Keller vacated the scheduled Tuesday start for the trial. The defense and prosecution are set to

return Jan. 14 at 1:30 p.m. for trial setting before Judge Keller.

Hamlin, who has been in custody at El Dorado County Jail since his arrest, is representing himself.

"I'm working every night on this thing in my cell," he said.

Hamlin said Monday in court, "I'm not going to spend a lot of time talking about Satanic cults" during his trial. In a November interview at the county jail, Hamlin insisted he was the target of such a cult, conceding that "it is a pretty crazy story" - but adding, "I believe it is real."

Judge Keller said he'll have to be convinced of the relevance of Riconosciuto's testimony before ordering the federal inmate's costly transport to the Placerville courtroom for the trial.

"You know who's going to get the bill for this - El Dorado County," Keller said.

E-mail Ryan McCarthy at rmccarthy@mtdemocrat.net or call 344-5071.

Judge says no to inmate testifying

By RYAN McCARTHY
Staff writer

Richard Hamlin, the 44-year-old criminal defense attorney facing life in prison if convicted of charges he tortured his wife, has lost — for now — his bid to have a Massachusetts prison inmate claiming ties to U.S. intelligence agencies testify in Hamlin's trial in Placerville. El Dorado County Superior Court Judge Eddie T. Keller

denied Friday the request to have Michael Riconosciuto transported to California for the trial expected to start later this month.

Judge Keller had said he'd have to be convinced of the relevance of Riconosciuto's testimony before ordering the federal inmate's costly transport to the Placerville courtroom.

Testimony by Riconosciuto,

see **HAMLIN**, page A-9

HAMLIN

continued from A-1

imprisoned for drug-related offenses, arose Jan. 5 when Hamlin said the prison inmate could confirm biological warfare issues that Hamlin wants to raise in the felony domestic abuse trial.

Hamlin, who is acting as his own attorney, has also contended he was the target of a murder plot by a Satanic cult.

His bid to bring Riconosciuto here spurred deputy district attorney Vicki Ashworth at the Jan. 5 court hearing to remark that, "We started with a Satanic cult. We've moved up to biological warfare."

Hamlin was arrested in February 2004 on suspicion of torture and felony domestic violence against his wife, Susan. He has pleaded not guilty. The prosecution contends Hamlin repeatedly

threatened his wife with a handgun if she reported domestic violence, said to include him forcing her to sleep by his side while he held a loaded handgun pressed against her chest.

Susan Hamlin went to the El Dorado County Sheriff's Department last February and told of a plot by a Satanic cult to murder her husband. She recanted the story days later.

Hamlin, who appeared in court Friday, argued in more than 100 pages that Riconosciuto should be transported to Placerville to testify in the torture and felony domestic abuse case.

Hamlin cites a 1982 meeting he said Riconosciuto had in Riverside County.

The defense attorney said the meeting in Indio helps confirm an account his wife

Susan gave about the Satanic cult. The defense attorney also contends Riconosciuto worked on biological weapons research in Riverside County with the man Hamlin says sexually abused his wife when she was a child.

Hamlin can still try to convince the court before his trial begins that Riconosciuto should be brought to Placerville to testify.

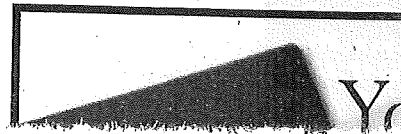
Websites are rich with references to Riconosciuto.

The Sept. 11, 2001 terrorist attacks, the "October Surprise" — a stunning event intended to influence the outcome of a U.S. presidential election — and the 1995 Oklahoma bombing of a federal building all figure into Internet postings about Riconosciuto.

A reporter who covered Riconosciuto's three-week-long drug trial in Tacoma, Washington, in April 1991 warned about buying into conspiracy theories he said Riconosciuto weaved.

Jerry Uhrhammer of the News Tribune in Tacoma, Washington, wrote, "I have been dismayed and appalled by some articles in which Riconosciuto is quoted as a primary source, if not sole source, in support of some conspiracy theory, but without any warning to the reader that his credibility is suspect or nonexistent."

E-mail Ryan McCarthy at rmccarthy@mtdemocrat.net or call 344-5071.



anted in defense attorney's torture case

lo County Jail since his Feb. 2004, arrest on suspicion of domestic violence causing bodily injury. He repeatedly ened his wife with a hand-nd threatened to kill her if sported abuse he subjected , according to the prosecu- has contended he was the of a murder plot by a ic cult, a claim the prosecu- as referred to as a delusion. Jan. 25 filing by the prose- i includes a declaration by Rich Strasser of the El lo County Sheriff's tment. Strasser states that a recent court hearing he with a local TV station er who said Hamlin had sent porter an information packet the case. The packet includ- amlin's request that the er attend an upcoming hear-

ing in court, the detective states. Strasser, the investigating detective in the case, also states that witnesses have called him about being contacted by mem- bers of the media. The witnesses have also been notified of infor- mation posted on the Internet about the case, the detective stat- ed.

Hamlin said in court Monday that the prosecution during an ear- lier hearing referred to other potential victims in the case. Hamlin said he was portrayed as "Mr. Torturer," a characterization he said a Sacramento TV station broadcast.

Based upon accounts provided the public, Hamlin said, "I would have thought I was a loon, a nut and a very dangerous person."

"The District Attorney has their side and I have mine," he said.

Hamlin has posted an open letter

on the Internet to try and secure information in connection with his helpful," Hamlin said Monday in court.



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OFFER EXPIRES 4/1/05

RE: Richard Hamlin
P04CRF0132

PROOF OF SERVICE


I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 4327 Golden Center Dr., Ste. 1, Placerville, California.

On February 7, 2005, I served the within RESPONSE TO MOTION FOR PROTECTIVE ORDER on the parties in said action, by hand:

EL DORADO COUNTY DISTRICT ATTORNEY
515 Main Street
Placerville, CA 95667

I, ROBERT BANNING, declare under penalty of perjury, that the foregoing is true and correct.

Executed on February 7, 2005, at Placerville, California.


ROBERT BANNING

Dennis M. Campos
John E. Fischer
Cyrus A. Johnson

Charity Kenyon
Jellery Owensby
David A. Riegels

RIEGLS
CAMPOS
— & —
KENYON
ATTORNEYS AND
COUNSELORS AT LAW

Charity Kenyon
DIRECT: 916.779.7104
EMAIL: ckenyon@rcklaw.com

February 4, 2005

VIA FACSIMILE (530-622-5729)
and US FIRST CLASS MAIL

Honorable Eddy T. Keller, Dept. 2
El Dorado County Superior Court
495 Main Street
Placerville, CA 95667

Re: P. v. Richard W. Hamlin, Case no. P04 CRF 0132

Dear Judge Keller:

We represent McClatchy Newspapers, Inc. dba *The Sacramento Bee* and its reporter Ramon Coronado, who has been reporting on this case.

It has come to the attention of Mr. Coronado that the Court has imposed a temporary protective "gag" order in this case and we are further informed that a hearing on the District Attorney's motion for a proposed permanent order is now set for hearing on Thursday February 10 at 4:00 p.m.

However, Mr. Coronado's attempts to review the Court's records in order to learn of the basis of the motion and the terms of the Court's temporary order were denied by the Court Clerk on the basis that the *entire court record has been sealed*. Yet apparently no party has moved to seal the record and the Court has not made any finding required by state law and the California Rules of Court to support such sealing. See Cal. Rules of Court, rule 243.1, 243.2; see generally, *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court*, 20 Cal. 4th 1178 (1999) (reviewing history of constitutional and common law right of access to both criminal and civil proceedings and records).

Certainly there is no public record of such a finding to support sealing the record. We presume that the Court Clerk took this step as a precaution but without the Court's knowledge.

As a consequence of the record having been sealed, Mr. Coronado has been denied access to the District Attorney's motion for protective order and to the Court's temporary protective order. Nor has he been able to obtain a transcript of the proceedings taken in open court that resulted in issuance of the temporary order. All of these are presumptively open court records. Unless access is granted *The Bee* will have no basis for determining whether it objects to all or any part of the proposed protective order.

Honorable Eddy T. Keller

February 4, 2005

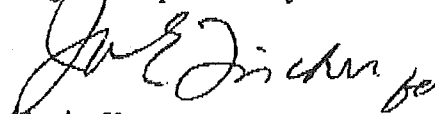
Page 2

Our clients object to the continued sealing of the record and the temporary order in violation of the procedures set out in Rules of Court, rule 243.2. Pursuant to *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* and the Rules of Court, we request a reasonable opportunity to be heard and to state our clients' objections, if any, to the proposed protective order. To be meaningful, the public's opportunity to be heard must include the opportunity to know, prior to the hearing, the basis for the District Attorney's motion.

Accordingly, we ask that the Court instruct the Clerk's Office to allow Mr. Coronado access to the court file. At a minimum, Mr. Coronado should be permitted to review and copy the temporary gag order and any related moving or opposing papers, as well as any other sealing orders entered in the case, including the Court's findings under Rules of Court, rules 243.1 and 243.2 and any papers filed by the parties in connection with such sealing order(s).

Thank you for your attention.

Very truly yours,
Riegels Campos & Kenyon LLP



Charity Kenyon
Attorneys for McClatchy Newspapers,
Inc. and Ramon Coronado

cc: Vickie Ashworth, Deputy District Attorney (via mail and fax 530-621-1280)
Robert Banning, Assistant Public Defender (via mail and fax 530-642-9205)
Richard Hamlin (by mail, c/o of El Dorado County Jail)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

HEARING RE: PROTECTIVE ORDER

Date: 01/31/05 Time: 1:00 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by Pro Per.
2nd Chair Counsel R. Banning present.

At 13:15 p.m. Defendant not yet present from the Jail.
R. Banning would like time to respond to the
People's Motion Re: Protective Order.
The Court turns over the latest batch of records
to the People who will copy for the Defense.

At 13:30 p.m. the Defendant is now present in custody.
This matter was set for 02-18-05 but advanced
by the Court out of concern for pretrial
publicity.
The Court expresses concern over a computer
web site with an "open letter" from Mr. Hamlin.
Defense Banning would like time to respond to
the motion.
The Defendant addresses the Court re: the
motion and the Court's concerns.

Hearing continued on the motion of the Defense. 02/10/2005 at
16:00 in Department 2.

In the meantime; the Court orders that both sides
are not to talk to the press or put any other
information on the aforementioned web site
re: the merits of the case.
It can be mentioned what the charges are and
that there has been a plea of "not guilty" etc.

COURT ORDERS:

Defendant Hamlin not to use the aforementioned
web site until the next hearing.

1/31/05

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

cc: DIST ATTY / PUB DEF / JAIL

RICHARD HAMILIN C/O JAIL

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

HEARING RE: PROTECTIVE ORDER

Date: 01/28/05 Time: 4:00 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is Not Present.
Defendant is represented by Pro Per.
2ND CHAIR COUNSEL R. BANNING.

At 9:00 a.m. R. Banning informs the Court he is not
available at 4:00 p.m. today.
Oral motion on behalf of Defense Banning regarding cont. to
01-31-05
No objection by the People.
Motion is GRANTED.

Hearing continued on the motion of the Defense. 01/31/2005 at
13:00 in Department 2.

Jail Transportation will not bring the Defendant
at 4:00 p.m. today.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

EX-PARTE MINUTE ORDER RE: PROTECTIVE ORDER

Date: 01/26/05 Time: 8:27 am Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: G RYAN

Defendant is represented by Pro Per.

HEARING

Hearing RE: PROTECTIVE ORDER set for 01/28/2005 at 16:00 in
Department 2.

CC:DA PD DEF JAIL PROB DCSS ATTY INT POLICE SHERIFF CHP PROG

=====MINUTE ORDER END=====

Dispo

GARY L. LACY
District Attorney
El Dorado County
515 Main Street
Placerville, California 95667
Telephone: (530) 621-6472

Attorneys for the Plaintiff

EL DORADO CO. SUPERIOR CT.

FILED

Jan. 25, 2005

BY

[Signature]

Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF EL DORADO

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

vs.

RICHARD HAMLIN,

Defendant.

No. P04CRF0132

PEOPLE'S MOTION FOR
PROTECTIVE ORDER

Hearing: February 18, 2005

Time: 8:15 a.m.

Dept: 2

TO: DEFENDANT, RICHARD HAMLIN, IN PROPRIA PERSONA:

NOTICE IS HEREBY GIVEN that at the above date and time, in
Department 2 of the El Dorado County Superior Court, the PEOPLE
OF THE STATE OF CALIFORNIA, will move this Court for an order
prohibiting the parties to this action from directly or
indirectly releasing or discussing the merits of any of the facts
and issues involved in the upcoming trial.

This Motion will be made on the attached Points and
Authorities as well as such documentary and testimonial evidence
which may be produced at the hearing on said motion.

CMS
1-25-05

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1 Sheppard, supra. at p. 361.

2 The Court further declared:

3 "The courts must take such steps by rule
4 and regulation that will protect their
5 processes from prejudicial outside
6 interferences. Neither prosecutors,
7 counsel for defense, the accused, witnesses,
8 court staff nor enforcement officers
9 coming under the jurisdiction of the court
10 should be permitted to frustrate its
11 function."

12 Sheppard, supra. at p. 363.

13 The directive of the Sheppard decision has been followed by
14 lower courts since the case was decided. Of particular note is
15 the case of Hamilton v. Municipal Court for the Berkeley-Albany
16 Judicial District of Alameda County (1969) 270 Cal. App. 2nd 797.

17 In Hamilton, the defendants had been charged with various
18 violations of the law stemming from a student protest of armed
19 forces recruiters on campus. The demonstrations had been widely
20 publicized. Because of the amount of publicity, the trial court
21 issued a pretrial order, stating in pertinent part:

22 "the parties shall not, directly or indirectly,
23 release to any news media, information or opinion
24 concerning the trial or any issue likely to be
25 involved therein, other than the date and place
26 of trial, the names of the parties and counsel,
27 the contents of the complaint, and the plea of the
 defendants. Specifically and without limitation,
 there shall be no public statements or releases
 concerning the merits of the complaint, the
 evidence or arguments to be adduced by either
 side, or trial tactics or strategy."

28 Hamilton, supra. at p. 799-800.

29 Subsequent to the issuance of the order, defendants held a
30 press conference condemning the court's order and deliberately

1 violated its restrictions. Defendants were then charged with a
2 violation of Penal Code Section 166. After conviction, an appeal
3 followed.

4 In addressing the legality of the court's pre-trial "gag"
5 order, the First District Court of Appeals found the order to be
6 legal and proper. The Court, citing Sheppard v. Maxwell, found:

7 "We construe this language of the court
8 to mean that in proper cases, where the
9 right to a fair trial may be at issue,
10 the court is required to take steps to
11 control the release and dissemination of
12 facts and evidence likely to be presented
13 to the court or the jury in the course of
14 the trial. Thus, authority for issuance
15 of the pretrial order in this case seems
16 to us unassailable."

17 Hamilton, supra. at p. 801.

18 The Court further found that:

19 (1) An order specific enough so that all parties
20 know what is proscribed is sufficient. It
21 is not required that direct proof be made
22 that specified information will have a
23 prejudicial effect upon the trial before
24 a valid order may be made limiting the
25 distribution of such material.

26 (2) With respect to the "clear and present
27 danger test" for limitations on speech,
the test was met because the evil the
trial court sought to prevent by its order
was the denial of a fair trial to all
parties by harmful and prejudicial

1 publicity generated by those involved
2 in the proceedings then before the court.

3 (**It should be noted that in the case of Younger v.
4 Superior Court (1973) 30 Cal. App. 3rd 138, the Second District
5 Court of Appeals found that the "clear and present danger test
6 was irrelevant to protective orders directed against officers of
7 the Court. Younger, supra. at p. 163, footnote 36. The Second
8 District noted that if Hamilton did actually hold that a clear
9 and present danger test was appropriate, "It should be remembered
10 that there the contemner was not an officer of the court, but an
11 unwilling party." The People submit that in the instant case,
12 the clear and present danger test is met, as was in Hamilton.
13 However, the People also submit that the Defendant, acting in pro
14 per, and as a former member of the Bar, is in fact, an officer of
15 the Court and not subject to the test, as set forth in Younger.)

16 (3) The trial court's order was not overly
17 broad in that it did not interfere with
18 the defendants' right to reply to the
19 charges against them. The order did not
20 prohibit the defendants from describing
21 the charges against them and unequivocally
22 asserting their own innocence. However,
23 it did prohibit discussion of the merits
24 of the case and the evidence and arguments
25 which might be presented at trial. Such
26 limits are within those permitted by
27 Sheppard.

1 Hamilton, supra. at p. 801-803.

2

3 In the instant case, the People seek an order similar to the

4 one issued in Hamilton: an order prohibiting the parties from ^{and their agents}

5 directly or indirectly releasing to any news media, information

6 or opinion concerning the trial or any issue likely to be

7 involved therein, other than the date and place of trial, the

8 names of the parties and counsel, the contents of the complaint,

9 and the plea of the defendants; and specifically prohibiting the

10 issuance of information on the internet, public statements or

11 releases concerning the merits of the complaint, the evidence or

12 arguments to be adduced by either side, or trial tactics or

13 strategy.

14 As set forth above, the Defendant in this case has taken it

15 upon himself to release statements to the media discussing the

16 evidence of this case. The People, as well as the Defendant, are

17 entitled to a fair trial. Defendant, through his actions, is

18 attempting to manipulate the course of this case by pre-trying

19 the case in the press.

20 In addition to the obvious danger presented by defendant's

21 one-sided presentation of the evidence in this case, i.e.

22 contamination of the jury pool, defendant's efforts to bring

23 undue attention to himself and the case appear to be a prelude to

24 a motion for new trial. As an officer of the court, Mr. Hamlin

25 knows better.

26 The dignity and integrity of a trial are the cornerstones of

27 a fair and just proceeding. In the words of Justice Holmes, "the

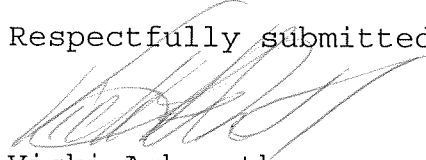
1 theory of our system is that the conclusions to be reached in a
2 case will be induced only by evidence and argument in open court,
3 and not by any outside influence, whether of private talk or
4 public print." Patterson v. Colorado (1907) 205 U.S. 454, 462.

5 In the interests of justice, the People request this court
6 issue an order which will allow this case to be litigated in the
7 forum described by Justice Holmes: free from outside influence
8 and free of defendant's manipulation.

9 WHEREFORE, the People pray this Court issue an order
10 prohibiting discussion of this case in the media, as set forth
11 above.

12
13 Dated: 1/25/05

14
15 Respectfully submitted,

16 
17 Vicki Ashworth
18 Deputy District Attorney
19
20
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22
23
24
25
26
27

1 **GARY L. LACY**
District Attorney
2 El Dorado County
515 Main Street
3 Placerville, California 95667
Telephone: (530)621-6472
4

5 Attorneys for the Plaintiff
6
7

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF EL DORADO

10 PEOPLE OF THE STATE OF CALIFORNIA,

No. P04CRF0132

11 Plaintiff,

DECLARATION OF
RICH STRASSER

12 v.

13 RICHARD HAMLIN,

14 Defendant.
15

16 I, RICH STRASSER, declare:

- 17 1. I am a detective with El Dorado County Sheriff's Department and am the
18 investigating detective in the above-entitled case.
- 19 2. After a recent court appearance, I spoke with a reporter from a local t.v. station
20 who advised me that the defendant had sent him a packet of information that
21 included the victim's February 26, 2004 statement to law enforcement in the form
22 of a police report. Also in that packet, the defendant had requested that the
23 reporter attended the upcoming hearing.
- 24 3. I have been contacted by another member of the media who advised me that there
25 are numerous items on the Internet regarding this case. This person also advised
26 me of a link to a letter written by the defendant which is now posted on the
27
28

Internet.

4. I went to the Internet cite and viewed an item titled "Open Letter From Richard Hamlin". A copy of the letter is attached to this declaration.

5. Recently, I have received calls from witnesses in this case that have been notified of information being posted on the Internet and have been contacted by members of the media regarding this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my information and belief.

Dated: 1/25/05


RICH STRASSER

>

>

> Message: 1

> Date: Tue, 28 Dec 2004 19:08:23 +1000

> From: Duncan Roads <nexusmagazine@optusnet.com.au>

> Subject: Richard Hamlin in jail?

>

> RICHARD WILLIAM HAMLIN

> in jail?

>

> Open Letter From Richard Hamlin:

>

>

> I am involved in a criminal case where investigative leads have led me

> back in time to the controversy of Indio, California, the Cabazon

> Indian Reservation, and its cast of characters. My investigator is Ted

> L. Gunderson and we have we have been able to contact Michael

> Riconosciuto, who has been a tremendous help.

>

> As a part of my investigation, I am looking into the background of

> Sidney Richard Siemer, D.O.B. 2/2/33. He was a close business

associate

> of George Wayne Reeder. Riconosciuto has named Siemer as being

involved

- > in the research and production of biological weapons in Indio in the
- > 1980s. Siemer is a PHD in agriculture/biological chemicals. He was in
- > military intelligence for the army during the Korean war. Relatives
- > stated he was a covert operator with a high security clearance. He has

- > spent a great deal of time in Germany. Reeder, who was head chemist
- > with SKW and Siemer & Associates, did a lot of business with S.R.
- > Siemer. SKW is a German company.

- >
- > Siemer has worked with companies that have worked with military and/or

- > CIA; Abbott Laboratories, FMC, ICI of America, and W.R. Grace in
- > Maryland. With Siemer & Associates he worked with Dupont and Bell.

- >
- > Siemer has lived in Fresno, CA since 1979. He has also lived in
- > Corvallis Oregon, Leavenworth Washington, and Columbia Maryland.

- >
- > The reason I am interested in him is because I believe he was involved

- > in MK-Ultra programs in the military. His daughter, my x-wife Susan,
- > appears to be a victim of this program.

- >
- > Two years ago my wife began to reveal a lifetime of child molest,
- rape,
- > and torture at the hands of Sidney Siemer. She revealed that he
- > continued to sexually abuse her throughout our marriage. She claimed
- > that the method of control he would use to enable him to continue with

- > incestuous sex was through brainwashing, hypnosis, and a complex
- method

- > of mind control, which began at birth and continued for 47 years. My
- > wife finally revealed that our children had been molested and raped by

- > Siemer and that he had my wife participate as well.

- >
- > We decided to go to the police. Siemer found out about our plans and
- > had associates physically assault my wife before we went to the police

- > station. My wife gave a full statement of Siemer's rape and torture
- and

- > his involvement in a Satanic cult. She also confessed to her
- > participation in child molest and a conspiracy to commit murder of me.

- >
- > Two days later she recanted and claimed I had beat her up and forced
- > her to say these things. She did this to avoid prosecution of herself
- > and her father. She claims she made up everything.

- >
- > Our defense has been to prove her initial statement as true. One claim

- > was that she was taken to Indio, June 1982 and was brutally
- > re-programmed. She further claimed that Siemer used a building in
- Indio

- > where child porn and snuff films were distributed. During the 1982
- > visit, she claimed that she witnessed the murder of a girl in the
- > making of a snuff film. She watched this while she was naked and tied
- > to a "peg board." She claimed she was subject to beatings,
- > electroshock, sensory, food, and sleep deprivation. After she recanted

- > she claimed that Siemer never did business in Indio and she made it
- all

> up.
>
> Through Gunderson, myself, and the help of my brother, we have found
> rock solid information that Siemer and Reeder did business in Indio.
> Riconosciuto wrote and told us that Siemer was involved in the
> biological weapons production in Indio at the Cabazon Indian
> Reservation and that he is very dangerous. He confirms that Siemer was

> very involved with an international cult scene.
>
> I am 44 years old, an attorney who was a prosecutor with Sacramento
> County and then a criminal defense attorney with my own practice. I
> have never been arrested before this current situation. Any
information
> on Siemer or Indio would be very helpful.
>
> Use this letter as you wish. The more people who read this statement
> the better.
>
> Richard Hamlin
> 300 Forni Road
> Placerville CA
> 95667
>
> EMAIL
> RICHARD HAMLIN
>
> TED L. GUNDERSON WEBSITE
>
> Visit
> MYSTERY ISLAND PUBLICATIONS
> Sponsor of Richard Hamlin's website defense
>
>

Philip Cozens, State Bar Number 84051
1001 Sixth Street, Suite 400
Sacramento, CA 95814

Telephone: (916) 443-1504

Attorney for Defendant Richard Hamlin

EL DORADO CO. SUPERIOR CT.

FILED Jan. 21, 2005
BY [Signature]
Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF EL DORADO

PEOPLE OF THE STATE OF CALIFORNIA,	)	CASE NO. P04CRF0132
)	
Plaintiff,	)	MOTION TO COMPEL PRO-
	)	SECUTOR TO ELECT ACTS
v.	)	WHICH FORM THE BASIS FOR
	)	COUNTS ONE, TWO, FOUR, FIVE
	)	SIX, SEVEN, EIGHT AND NINE
RICHARD HAMLIN,)	
)	
Defendant.	)	Date: ^{2/18} January 14, 2005
	)	Time: 1:30 p.m.
	)	Dept.: 2

INTRODUCTION

Defendant seeks an order from the court to the prosecution requiring the prosecution to elect which alleged acts form the factual basis for the allegations in Counts One, Two, Four, Five, Six, Seven, Eight and Nine.

Such an order is necessary and proper in this case because: 1) there was no preliminary hearing in this case and therefore Defendant is not on notice as to which specific acts are the basis for the prosecution in the listed counts; 2) there are multiple acts as to each count upon which the prosecution could rely; and 3) there are differing defenses as to each act. Without an election by the prosecution, Defendant can only guess as to which acts the prosecution is basing

MOTION TO COMPEL PROSECUTOR TO ELECT ACTS AS TO COUNTS ONE, TWO, FOUR, FIVE, SIX, SEVEN, EIGHT AND NINE

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LAW AND ARGUMENT

I. WHEN SEVERAL ACTS COULD BE THE ACTS ALLEGED IN THE INFORMATION FOR WHICH THERE IS BUT ONE COUNT, THE COURT MAY ORDER THE PROSECUTOR TO ELECT WHICH ACTS CONSTITUTE THE ACTS ALLEGED IN THE INFORMATION.

The trial court can require the prosecutor to inform the defense which acts are described in the information. Such order should be issued no later than the commencement of the trial of the case. People v. Williams, (1901) 133 Cal. 165, 168; 65 P. 323, cited in People v. Deletto, (1983) 147 Cal. App. 3rd 458, 473-474, footnote 10; 195 Cal. Rptr. 233.

In the course of a normal prosecution, this election is not required because the preliminary hearing advises the defendant of the acts that are the basis for the allegations in the information. See People v. Luna, (1988) 204 Cal. App. 3rd 726, 747-749; 250 Cal. Rptr. 878.


However in this case, Defendant waived preliminary hearing and therefore was not advised of the factual basis for the allegations in the information. Therefore there is a need for the prosecutor to inform Defendant which alleged acts are the basis for the allegations in the information.

CONCLUSION

For the reasons set forth above, the court must order the prosecutor to elect which acts constitute the acts alleged in the information.

Dated: January 7, 2005

Respectfully submitted,


Philip Cozens
Richard Hamlin

January 15, 2005

To the Clerk of Department 2,

I have not recieved a copy, with the court's reciet, of my points and authority filed on behalf of my motion requesting the court to issue an order to produce of Michael Riconosciuto.

During our oral arguments Judge Keller referred to the documents that I filed with the court, but I do not remember the court ever officially entering that into evidence. I need acknowledge-ment that the court has recieved and has as a part of its record the documents that I filed.

I also need you to send to the jail an order/minute order that reflects that I am still Pro-Per and that my new co-counsel is Bob Banning of the Public Defender's Office.

On that same minute order I would like to request that it reflects another change as well. I am asking to remove Frank Hickey as one of my investigators and replace him with Cynthia Hayes.

Thank you for your time and consideration,



RICHARD HAMLIN
PRO-PER
CASE # PO4CRF0132

Richard Hamlin

Pro-Per

300 Furni RD

Placerville, CA 95667

In The Superior Court of the State of California
IN AND FOR the County of El Dorado

People of the State of California

Plaintiff

V.

Richard Hamlin
Defendant

Case # P04CRF0132

ORDER to Produce

Date 1/14/05

1:30

Dept 2

The Following ARE Documents Displaying the Relevance
OF Michael Riconosciuto thereby Justifying the
Court to ORDER said witness to Be produced
AS a witness in the above captioned case

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

HEARING RE: Motions and Trial Setting

Date: 01/14/05 Time: 1:30 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by Pro Per.

2nd Chair Defense Counsel P. Cozens is not
present and the Defendant explains that Atty.
Cozens hasn't had the time for this case and must
step down as 2nd Chair Counsel.
Oral motion on behalf of the Defendant regarding have Court
appoint Pub Def
Motion is GRANTED.
The Court appoints the office of the Public
Defender as 2nd Chair Counsel for the Defendant.
Public Defender Robert Banning is present now
with the Defendant.

The Defendant states the Public Defender will
be utilized mainly to question his ex-wife and
children.

The People don't object as long as the
Public Defender does question those witnesses

Time is Waived.

Time is waived until 02-18-05.

Trial Setting Conference set for 02/18/2005 at 8:15 in
Department 2.

The People inform the Court they received a
stipulation/brief this morning and need time to
look at it.

The Court directs the People to check with
Susan Hamlin re: Count 4 and it happening in
El Dorado County vs. Placer County.
Counsel may be entitled to a 402 E. C. Hearing
on this limited issue which may be handled on

1/26/05

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

02-18-05.

As to federal witness Michael Riconosciuto;
The Defendant filed documents and feels this
witness is extremely important to the defense.
Argument as put forth on the record.
Motion is DENIED.
The Court denies the motion without prejudice
to renew.

Oral motion on behalf of the Defendant regarding requests a
transcript of today's hrg
Motion is GRANTED.
COURT ORDERS:
Court Reporter K. DeLacy to produce a transcript
of today's hearing.

Further discussion as to discovery.

Oral motion on behalf of the Defendant regarding not to be
shackled pre-trial
Motion is DENIED.
The Defendant will remain cuffed and/or shackled
as per the Jail's policy before the jury trial but
will be allowed to be unshackled during the jury
trial as per the Jail's policy.

At 15:00 p.m. court is adjourned today.

CUSTODY STATUS
Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

cc: DIST ATTY / P. COZENS ESQ. / PUB DEF
RICHARD HAMILIN C/O THE JAIL
CC: K. DeLACY - COURT REPORTER

=====MINUTE ORDER END=====

Dispo

Richard Hamlin

☒ ORIGINAL

Pro-Per

300 FURN RD

Placerville, CA 95667

EL DORADO CO. SUPERIOR CT.

FILED 1-12-05

BY Shelly M. Warner
Deputy

IN The Superior Court of the State of California
IN AND FOR the County of El Dorado

People of the State of California

Plaintiff

V.

Richard Hamlin
Defendant

Case # P04CRF0132

ORDER to Produce

Date 1/14/05

1:30

Dept 2

The Following ARE Documents Displaying the Relevance
OF Michael Ricoroscinto thereby Justifying the
Court to ORDER said witness to Be produced
AS a witness in the above captioned case

OVERVIEW

RELEVANCE

On 2/26/04 Susan Hamlin went to the Eldorado County Sheriff's Office and confessed to the sexual molestation of her four children and being involved in a conspiracy to comitt murder of her husband, Richard Hamlin.

Ms. Hamlin admitted that she initially molested her 4 children with her Father, Sidney Siemer as a part of ritual abuse which has exsisted in the Siemer family sinse her birth. Ms. Hamlin explained to Detectives that she had been ritually molested, raped and tortured sinse birth by her father, other family members and others as directed by her Father. She claimed that incestious sex between her and her father and her siblings continued as an adult and after she was married. After Ms. Hamlin had children, Siemer desired to carry on the intergenerational incest. Ms. Hamlin described how her children were first molested by her father, and then by her and her father and finally by herself.

Ms. Hamlin described being raised in a "satanist" family and that incest was just a part of the life style. She described in detail satanic rituals and an organizational structure. Due to her "bloodlines" she was in line to be named "High Priestess". As a part of this groups/families activities, the Siemer family was involved in prositution, Child porn, snuff films and murder.

Ms. Hamlin described her Father, Sidney Siemer, as practicing mind control. She described being subject to "brainwashing", blackmail, duress due to fear, hypnosis and programming techniques which began when she was a child. As a child she described electro-shock, sensory depravation, beatings, drugs and fear as methods that her father utilized.

On 2/28/04, Ms. Hamlin recanted and said that all of her claims were false and that she had made them out of fear and actual beatings from her husband, Richard Hamlin.

It is the Defense's position, that Ms. Hamlin's first statement of 2/26/04 was in fact true. The Defense contends that Ms. Hamlin recanted because of her fear of being prosecuted and her fear of exposing her father to criminal liability as well. In fact, Ms. Hamlin implicated not only her father in criminal liability, but her step-mother, Judy Siemer, her sister, Terri Aal, her childhood friend, Lisa Taylor Clum and her husband Rock Clum, Howard Miley, Richard Keehn and her brother Glen Siemer. Ms. Hamlin's fear of what her father would do led her to make up the lie that her husband "forced her" to confess by beating her.

1
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3 Therefore, the Defense has set out ~~xx~~ to corroborate as much
4 of her 2/26/04 statement as possible, refuting her claim that she
5 just made this up. Presenting evidence that Ms. Hamlin is
lying to protect herself and her father is the motive behind
her lies about Richard Hamlin, her husband.

6 As such, one prime area of interest in her 2/26/04 confession
was her claims of extreme abuse which occurred in Indio, Calif.

7 Ms. Hamlin told Detectives that she was taken to Indio where
8 she was "disciplined and re-programmed" by her father and others.
9 She stated that she and her father flew in his private plane
to Indio. She states that this was the one time that she
10 went there with him. Ms. Hamlin reported to the Detectives, that
she and her mother were attempting to gather evidence against
11 her father. Ms. Hamlin had gone so far as to set up an intern-
ship with the Fresno County District Attorney's Office in
12 their sexual assault unit. She claims that they were found
out by her father and she blamed her mother. It was shortly
after this event that Siemer took his daughter to Indio.

13 Ms. Hamlin stated that upon their arrival they proceeded to
14 a building that she described as being "cement colored", large,
with a rounded roof, and a large sign with yellow lettering and
15 brown backround. The building had "cold storage." She thought
the name of the facility was something like, "Coachella Valley
16 Growers Co-op." She said that the facility was used by her
father, Sidney Siemer, and others that he associated with, as a
17 distribution site for child porn and snuff films.

18 Ms. Hamlin told Detectives, that she was met by Siemer associate
Howard Miley at the facility. Siemer and Miley told Ms. Hamlin
19 that she was not being loyal and that she was going to be
taught not to ever do such a thing again.

20 Ms. Hamlin described being hung up naked on a peg board in absolute
21 darkness for hours. She could not describe how long, hours or
days, passed. She described the room as being a "cold storage"
22 area. She stated that she suffered from sleep, food, light and
sensory depravation. She stated that she was subjected to
23 electro-shock treatment, drugged, beaten and pyschologically
tortured during this period.

24 The most shocking act that Ms. Hamlin described was witnessing
25 the murder of a young girl. She stated that she was wheeled
out on her peg board, still naked, and brought into a room
26 where cameras were set up. She was positioned so she could
see a young girl that was in a cage. Ms. Hamlin estimated her
27 age as aprox. 10 years old. She said that she had dark hair.
Ms. Hamlin told detectives that she watched as the child was
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3 beated to death with a large "club". As the child was clubbed,
4 her broken bones were twisted into a "pretzel" shape. At the
5 conclusion of the beating and killing of the child, Ms. Hamlin
6 was wheeled next to her and filmed while she hung naked from
7 the peg board. She was then returned to the cold storage
8 area.

9
10 Of note, after these events and as she returned to Fresno,
11 she felt great affection towards her father. She described
12 Siemer as the "greatest dad". Ms. Hamlin stated that she and
13 her father had alot of incestious sex but it felt "normal" and
14 an "act of love". She also recalls a heightened sense of respect
15 towards her father and Howard.

16
17 She had no recall of the specifics of her trip, only an overall
18 sense of not liking Indio with out a specific reason why.
19 Ms. Hamlin reported that upon her return to Fresno, she quit
20 her intership with the Fresno DA's office and that she began
21 to work for her father. Additionally, upon speaking to her
22 mother she had no recall of a plan to expose her father and
23 was confused and puzzled by much of what her x mother spoke
24 about. She resolved that her mother was acting strange.

25
26 During a Family Law proceeding, Ms. Hamlin under oath admitted
27 that she told Detectives about Indio. However, she testifeid
28 under oath, that in fact her father never had any type of
29 buisness in Indio. The gist of her testimony was consistent,
30 that she had made all of these statements up and that they
31 were not true.

32
33 The following documents and proposed testimony x will show that
34 Ms. Hamlin is lying about making up her claims about Indio.
35 In fact the evidence shows without any doubt that Ms. Hamlin
36 was lying about her father "not having any buisness ever
37 in Indio" when she testified under oath in the Family Law
38 proceedings. This evidence also supports the Defense claim
39 that Ms. Hamlin's 2/26/04 confession was true and that her
40 recantation is simply to avoid the prosecution of herself and
41 her father.

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EXHIBIT 1

- 1.) Susan's 2/26/04 statements about Indio
- 2.) Susan's Family Court testimony given under oath concerning Indio

El Dorado County Sheriff's Office

300 Fair Lane
Placerville, CA 95667

CA00
Phone 530-621-5
Fax 530-626-8

Case Number
EG0402413

Date
02/27/04

Deputy
MURPHY G

CASE NARRATIVE

Synopsis:

Husband & wife reported wife committing lewd actions with 3 of their 4 children and wife conspiring with satanic cult to murder her husband. Wife interviewed & children placed into Protective Custody with CPS. Forward to Detectives for follow-up investigation.

Details:

2-26-04, Thursday, 1535 Hrs—I was dispatched to take a 288 lobby report. On arrival in the lobby, I met Richard Hamlin and his wife Susan. They made the following report regarding Susan molesting their children and being involved in a conspiracy to murder Richard this Sunday (2-29-04) night at midnight. Detectives Hoagland and Lensing were present during the interview.

Susan originally told me that she is a Satanist and has ritually molested their 4 children, including digital penetration under the instruction of her father (Sidney Siemer). Susan said her who family is involved in a satanic cult and that her father had raped her when she was a young girl and "passed her around to whoever else wanted to rape her." She said Howard Mily who is a friend of her father and is a high priest in the satanic cult has molested her since age 15. Susan said she last spoke with Howard in October of 2003.

Richard said his wife Susan told him that her dad Sidney, Howard Mily, Richard Keehn and Rock Clum had planned to murder him on this Sunday night (2-29-04) at midnight at their house on 3340 Beatty Drive, EDH. Richard said the plan was for Susan to leave their house on Sunday night with their 4 children (Ryan, Alec, Clare & Jennifer) by 2100 hours. Sidney would have some associates stage a diversion in the backyard to draw Richard out of his house. Sidney, Howard, Richard and Rock would break Richard's car window, use his garage door remote to gain entry to the house and wait for Richard to come back inside the house to murder him.

Susan said this statement was correct and that her father Sidney and Howard had planned for the last 2 years to kill Richard at midnight going into March 1st. She also said that Lisa Clum told her that they had sent 2 Satanist ladies to the Hamlins' house in the disguise of Jehovah's Witnesses on the day he had an accidental shooting (2-5-04/ case #04-1516). Those ladies were supposed to be checking on Susan since Susan's phone was disconnected and she had not had contact with them for the previous year and a half. Susan said she believed that her father and the others would get weapons from her brother but did not know this for sure.

Susan said March 21st is an installation date for Satanists. She said March 1st is 3 weeks prior to March 21st and is a starting or launching date for March 21st. This year (2004) is even more important since it's a leap year. Susan decided she would go along with the murder of her husband Richard so that she could become High Priestess. She said Howard is the High Priest in the cult.

Susan said Richard has been identified as "a Christian with a mission" and "must be eliminated before his mission can be ignited." She said the Satanists consider Richard to be "a trophy Christian" and that if Richard is allowed to live, he would cause problems for the Satanists. Susan said that Richard "won't go away," is a Christian with strong convictions and "has become a trophy head." She said "it would be a great victory for Satan if Richard is killed." Susan said that simply divorcing Richard (as opposed to killing him) was not an option for her if she was to prove her worthiness as a High Priestess.

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Susan said she was supposed to speak with Lisa Clum (Taylor) at the Starbucks parking lot Douglas Blvd in Granite Bay 2 days ago (2-22-04) regarding the murder plot because Susan's loyalty was in question. She said Lisa owns a blue Lexus and a red one. On arrival, Susan saw a red Lexus that looked like Lisa's parked in Starbucks' parking lot. As Susan stepped out of her car, a man named "Rock" punched her in her face, knocking her to the ground. Rock then kicked Susan all over her head and body. Rock then told Susan "YOU BETTER STAY WITH THE PLAN IF YOU WANT TO BE HIGH PRIESTESS! STICK TO THE PLAN OR YOU'RE DEAD!" Rock then got into the red Lexus, made a U-turn and drove off. She described Rock as being a WMA, 47 YO or older, some gray in his short hair and about 5-10.

Susan was bleeding from her nose. She didn't have a cell phone so she didn't call anyone. She sat there for a while because she was worried about going home and having to explain this to her husband Richard.

After about 20 minutes to an hour, Susan went home. Richard was asking questions about her injuries and what had happened. Susan hadn't told Richard about the murder plot until then. Richard then wanted to know all the details about the murder plot and her life during the past 20 years they had been married until he decided he had complete information. This process took 4 days since he knew "this story had a lot of crazy information" and "would sound ridiculous." They then decided to report this to the EDSO.

Susan said there are child porn and snuff film tapes in her dad's house in Fresno and in a self-storage center in Indio (Southern California). Susan said she started molesting her kids in Fresno in 1996 and that her dad Sidney taught her how to put her kids in a "trance like a hyper relaxed stage." She said that she last molested her kids in October, 2002. She said she molested Jennifer (age 6, Clare (age 8) and Alec (age 12).

Susan said she molested Alec, Clare and Jennifer 5-10 times each in El Dorado County between October 1999 and October of 2002. She said the kids were all asleep during each incident and did not wake up. Susan said she inserted her finger into Jennifer and Clare's vaginas and "touched Alec's penis." Susan put her hand inside the kids' clothing when touching them. She said the kids never woke up, complained of pain later and she never caused injuries.

Susan described her touching of Alec's penis as she "FINGER FLICKED ALEC'S PENIS." Alec never woke up and it was only for 2-5 minutes and "not an extended period of time." Susan said she did not do this for her sexual gratification and did not do this to sexually arouse any of her kids. She explained that "THIS WAS TO KEEP THE KIDS COMFORTABLE WITH TOUCHING AND TO KEEP THE KIDS FROM THINKING THEIR SEXUALITY WAS THEIR OWN. THE KIDS HAD TO BE TOUCHED BY MANY HANDS."

Susan again denied doing these acts for her sexual gratification or for the sexual arousal of her children. She said she "THOUGHT SHE WAS BEING A GOOD MOM." When I asked what she meant by that, Susan explained that her father had taught her that was what a good Satanist mom was supposed to do.

Susan explained that in Fresno, she gave flicks to Alec's penis with her tongue. I asked her if this would be consistent with oral sex and she said yes. Susan said she didn't flick the girls' vaginas with her tongue or insert any items into their vaginas. She said the kids were "in a trance, a hypnotic state" whenever she did any of these molesting incidents. Susan said that her dad Sidney, her step-mom and sister all molested her kids.

When we asked Susan if any of her kids knew about these incidents, she replied that in kindergarten in EDH, Alec's teacher had asked him to complete the sentence "I WISH MY

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MOM _____." Alec completed the sentence by telling the teacher "WOULD STOP LICKING ME."

Susan also told us she witnessed a young girl being killed in 1982 while Howard Mily was disciplining her (Susan). Susan was "strung up on a pegboard for 3 weeks." She said Howard killed a young girl who had been kidnapped. Susan was kept in cold storage and brought out twice to witness the murder. Susan said Howard and the others broke the young girls' bones and tied her in different shapes. Susan said the girl was alive when the torture started. Susan described the girl as being 9 or 10 years old and having dark hair. Susan didn't know who the girl was but said the torture and murder was filmed.

At this point, Detective Hoagland, Detective Lensing and I took a break. Based on Susan's admission that she had molested her children and the murder plot that was due to happen this weekend, I determined that the Hamlin children were not in a safe environment and needed to be placed in Protective Custody with CPS. I phoned on-call CPS worker Raven Emond who met Deputies Hammitt and Moccio at the Hamlin residence and accepted Protective Custody of the Hamlin children.

Detectives Hoagland, Lensing and I then re-interviewed Susan alone while tape recording the interview (item # 2). Susan waived her Miranda Rights and again made the same statement and confession during questioning. I confirmed with Susan that the bruising on her face, throat and ears was from the beating Rock had given her during their encounter at Starbucks in Granite Bay. I took photos of those injuries (item # 1).

Based on Susan's and Richard's information, Detective Hoagland, Detective Lensing and I decided not to arrest Susan, pending further investigation. I advised Richard and Susan that their children had been placed into Protective Custody with CPS and gave them CPS' phone #. Both were advised that they were free to go and that Detectives would be continuing the investigation.

I booked the photos and film into EDSD Property as evidence. I ran all of the names Susan had given us to develop more complete address information for Detectives on follow-up investigation. Case forwarded to Detectives for follow-up investigation of the murder conspiracy and interviews of the Hamlin children. I notified CPS Worker Kate Campbell of the case # and she advised she would pick up a report copy from Records on Monday for her CPS investigation.

Officers Involved:

G Murphy, Hoagland, Lensing, Moccio & Hammitt

Follow-up:

Copies to Detectives for follow-up investigation.

CPS Worker Campbell will pick up a copy of report from Records on Monday morning.

☒ Attachments

11166 P.C. form

☒ Victim, or Victim's Parent/Guardian advised of confidentiality, per PC 293

1 Susan Hamlin:

No.

2
3 Deputy Murphy:

Did that incident in Fresno happen approximately when he was in Kindergarten. Around that time?

5
6 Susan Hamlin:

It happened in, yes in 1996.

7
8 Deputy Murphy:

So he was in Kindergarten at that time?

9
10 Susan Hamlin:

Yes.

11
12 Deputy Murphy:

Okay, uhhh, you've mentioned that there were some different snuff flicks, snuff movies (inaudible) ritual tortures and murders of people using young girls have been perpetrated by various members of this cult which include your dad and Howard (inaudible), is that correct?

13
14
15
16
17
18 Susan Hamlin:

I have, I was shown snuff films as a child by my father where enforcement of purposes to keep me afraid of talking about what things went on in our family. I don't know if my father has made any snuff films, but he did possess snuff films then. I have seen Howard (inaudible) make a snuff film and actually kill a girl on the snuff film when I was being punished

19
20
21
22
23
24
25 Deputy Murphy:

Uh, huh.

26
27 Susan Hamlin:

(inaudible) I was required to watch this film being made, this girl being killed.

1 Deputy Murphy: Do you remember a year that, that happened?
2
3 Susan Hamlin: It was in the Spring of 1982.
4
5 Deputy Murphy: And what did that girl look like?
6
7 Susan Hamlin: She looked to me about 10 years old and she had dark hair.
8
9 Deputy Murphy: Any braces?
10
11 Susan Hamlin: I was not close enough to see.....
12
13 Deputy Murphy: Did you get her name?
14
15 Susan Hamlin: No.
16
17 Deputy Murphy: Did she call out any names?
18
19 Susan Hamlin: I don't, I don't know.
20
21 Deputy Murphy: Where did that murder occur.
22
23 Susan Hamlin: In Indio, California.
24
25 Deputy Murphy: (inaudible) like was it at a house or.....
26
27
28

1 Susan Hamlin: No, it was a large cold storage agriculture, I can't think of the name
2 of the building, but it was a large, like a cement block building with
3 a rounded.....
4
5 Deputy Murphy: Like a (inaudible)..
6
7 Susan Hamlin: (inaudible) not round on all sides, but round, rectangular.
8
9 Deputy Murphy: Okay.
10
11 Susan Hamlin: Rounded that way.
12
13 Deputy Murphy: And you don't remember the name of the business?
14
15 Susan Hamlin: I remember it, I just can't remember it right now since sitting here?
16
17 Deputy Murphy: If you saw it, if you saw the name again would you remember?
18
19 Susan Hamlin: Poachella Growers Association or something. Not P / Conchella?
20
21 Deputy Murphy: Poachella is.....
22
23 Susan Hamlin: Poa....
24
25 Deputy Murphy: Poachella is P-O-A-C-H-E-L-L-A?
26
27 Susan Hamlin: I think (inaudible).....
28

1 Deputy Murphy: In Indio?
2
3 Susan Hamlin: Yes.
4
5 Deputy Murphy: Okay, do you remember any kind of trucks or equipment there?
6
7 Susan Hamlin: I don't remember very much of it, I was.....
8
9 Deputy Murphy: Do you remember any colors, paint colors on the walls or building?
10
11 Susan Hamlin: On the outside of the building was.....
12
13 Deputy Murphy: Outside.....
14
15 Susan Hamlin: Cement color.
16
17 Deputy Murphy: No paint at all?
18
19 Susan Hamlin: No.
20
21 Deputy Murphy: Didn't have anything like business name painted on there or
22 anything?
23
24 Susan Hamlin: There was a sign hanging, brown sign with yellow lettering.
25
26
27
28

1 Deputy Murphy:

Brown sign with yellow lettering? Okay, and then, have you, are
2 you aware of anybody else being killed by these people? Maybe
3 one of their own?
4

5 Susan Hamlin:

I was, I was talking to Howard about what I needed to do to make
6 high priestess and I told him that I had some information that I
7 could bring forward that would uhmm make one of the, make the
8 existing high priestess brought into question for her ethics and also
9 it would reflect on my dad and I told him that I would bring that
10 information before the counsel and testify and he said that why go
11 to that much trouble, it would be easier if killed the high priestess
12 and I called my dad. I told him that I wanted to do the testifying
13 way because it would probably embarrass my dad and he ended up
14 killing the high priestess.
15

16 Deputy Murphy:

What was her name?

18 Susan Hamlin:

Martha Hicks.

20 Deputy Murphy:

What was the information that you had regarding (inaudible)

22 Susan Hamlin:

It was, uhmm, him, the thing that I've got punished for was my
23 mom was working for the man, Richard Keane, who had these snuff
24 films and her and I worked together to get one out of his house and
25 I took it back with me and was going to turn it over, but my dad
26 was waiting there for me. / He had been given information ahead of
27 time so that he was waiting for me when I got back to my
28

1 Susan Hamlin:

apartment and that's when I was disciplined for. But the, the
information that I was going to bring before the counsel was that he
had manipulated the information on this security breach of these
snuff films so that it looked like he had uncovered Richard Keane's
security breach and he ended up getting the credit for it and was
elevated in position as was Martha.

8 Deputy Murphy:

Okay, when Martha was killed was there any (inaudible) involved?

10 Susan Hamlin:

Not to my knowledge.

12 Deputy Murphy:

Did you see this?

14 Susan Hamlin:

I did not. I did not know that, that was going to happen. I was
going to testify.

17 Deputy Murphy:

Do you know what Howard did with the body?

19 Susan Hamlin:

I don't know.

21 Deputy Murphy:

All of these killings and films and rituals this is all satanic?

23 Susan Hamlin:

Yes.

25 Deputy Murphy:

A satanic cult, (inaudible) worshipping Satan?

27 Susan Hamlin:

Yes.

Family Court Testimony
By Susan Hamlin

1 a lie?

2 A. You know it's a lie.

3 MR. HAMLIN: Your Honor, I would just ask you to advise
4 the witness to simply answer the question.

5 MS. O'BRIEN: She did.

6 MR. HAMLIN: Nonresponsive then.

7 THE COURT: Ma'am, was that statement untrue?

8 THE WITNESS: That was untrue.

9 THE COURT: And the question's been answered. Next
10 question.

11 Q. (BY MR. HAMLIN) Did you realize at that time that you
12 were causing Mr. Clum to be subject to criminal liability?

13 MS. ROSEMAN: Your Honor, objection. Not relevant.

14 THE COURT: I'm going to 352 that.

15 Go on, Mr. Hamlin. Go to another question.

16 Q. (BY MR. HAMLIN) Did you tell detectives that there was
17 child porn and snuff film tapes in your father's house in
18 Fresno?

19 A. Yes.

20 Q. Did you describe for them the location in his house
21 where those tapes were?

22 A. Yes.

23 Q. Did you tell them also that there was a tape of you from
24 the year 2001, February, 2001, where you had our son, Alec,
25 and Sydney ^{Siemer} ~~Seymour~~ were in a pornographic, child porn tape?

26 A. Yes.

27 Q. Did you tell them the location of where that tape was?

28 A. Yes.

1 Q. Did you tell them further that your father had a
2 business location, some type of business location in Indio,
3 southern California, where it was a distribution site for
4 child porn and snuff films?
5 A. Yes.
6 Q. Does your father, in fact, have a business located in }
7 Indio, California?
8 A. No.
9 Q. Has he ever had a business located in Indio, California? }
10 A. No.
11 Q. Have you ever written about a location in Indio,
12 California, where you've gone with your father?
13 A. Yes.
14 Q. Is that in letters?
15 A. I believe so.
16 Q. Now, and that was before you were married to me,
17 correct?
18 A. What?
19 Q. The letters writing about you and your father going to
20 Indio, California?
21 A. I don't know.
22 Q. Did you tell detectives that you started molesting our
23 kids in Fresno in 1996, and that your father Sydney taught
24 you how to put the kids in a trancelike, a hyper-relaxed
25 stage?
26 A. Where are you reading from in --
27 Q. The fourth paragraph down.
28 A. Yes.

EXHIBIT 12

EVIDENCE THAT CONNECTS SIDNEY SIEMER &
SUSAN HAMLIN TO INDIO

1.) Sidney Siemer's 12/07/04 Statement To Ted Gunderson

- a.) Siemer confirms that he worked in Indio
- b.) Siemer confirms that close friend and buisness associate George Wayne Reeder worked with him in Indio
- c.) Siemer confirms that his daughter, Susan Hamlin went with him 1 time to Indio. (before she was married)

2.) Glen Siemer's 12/07/04 Statement To Ted Gunderson

- a.) Siemer confirms that he and his dad, Sidney Siemer, worked in Indio on many occasions
- b.) Siemer confirms that he worked in a "COLD STORAGE SHED" Note-Ms. Hamlin said that she was abused in a cold storage facility.
- c.) Siemer states that his sister, Ms. Hamlin, didnt go to Indio more than one time

3.) Michael Riconosciuto's Letter

- a.) Details that Siemer (Sidney) was in Indio and involved with George Reeder, Dr. John Paul Nichols, Bob Nichols and Harold Okimoto
- b.) States that S. Siemer's role in Indio was to work on illegal Biological Weapons which were being produced on the Cabazon Indian Reservation inconjunction with the Wakenhut/Cabazon joint venture
- c.) Confirms that S. Siemer was involved in the Cult scene
- d.) Confirms that Siemer was involved in illegal activities with a group of former military/CIA intelligence operative.

4.) Ms. Hamlin's Letter To Her Mother, Ada, Dated 6/9/82

- a.) Confirms that she was working in Indio with her father, Sidney Siemer
- b.) Confirms that she thought Indio was "awful", "miserable" and that she didn't know how anyone would live there by "choice"

5.) Ms. Hamlin's Letter to Her Mother, Ada, Dated 3/81

- a.) Confirms that Glen Siemer, her brother, was working

1
2 with her father in Indio.

3
4 Of note, two of Sidney Siemer's associates were convicted
5 of criminal offenses.

6 George Wayne Reeder was convicted of Federal Charges, in part
7 due to interests he had in Indio during the time Siemer was
8 there. He was sentenced to 46 months of Federal Prison and
9 ordered to pay 16.4 million dollars of resitution.

10 Dr. John Paul Nichols was convicted in Indio for Solicitation
11 of Murder. He was sentenced to State Prison. This offense also
12 took place during the time that Sidney Siemer was working with
13 these two individuals in Indio.
14
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SIDNEY SIEMER STATEMENT

12/07/04

Ted Gunderson called Sid Siemer at his home.

Siemer, when asked about Indio, confirmed that he in fact worked there. " Its a place where I worked. I worked for a person developing grape ripers." I worked on a number of different grape vines.

When Ted was asking if children were brought there, Indio, Siemer asks who said that. Ted Gunderson tells him that his daughter told him that.

HE THEN CONFIRMS THAT HIS DAUGHTER, SUE, HAD BEEN TO INDIO ON ONE OCCASION

" Well she was there (Indio) on one occasion as I recall."

Siemer confirms that he knew Reeder. He worked with him for 12 years. He confirms that Reeder and he worked IN INDIO.

Denies that he knows Michael Riconosciuto.

When asked about JP Nichols, Siemer asks " where are you getting all this information ?"... " Because what you are suggesting is not true, so far none of it is true."

When told about Reeder's conviction he claimed that not to be true.

X Gunderson asked if Reeder and Siemer worked in Indio and Siemer stated yea. He then went on to say,

" HE CAME DOWN TO SEE THE WORK I WAS DOING."

When asked about Bakersfield, Siemer conceded that he has been in Bakersfield often and that " WAS WHERE WE FIRST MET ", refering to Reeder. Siemer said that he was a reseach director for a fairly large chemical company.

" WELL I WAS IN BAKERSFIELD A NUMBER OF TIMES BUT I HAPPENED TO MEET DR. REEDER IN BAKERSFIELD, THATS WHERE WE FIRST MET."

1 GLEN SIEMER'S STATEMENT

2 12/07/04

3 Glen Siemer was contacted by Ted Gunderson on 12/07/04.

4 When asked if he went to Indio he said yes. When asked what
5 went on there, G. Siemer hesitated and said " In what regard? "
6 TG then asked what did you do, what kind of buisness was it?
7 Again, G. Siemer hesitates and then says, " working on grape
8 ripeners, working out in the fields....

9 WORKING IN COLD STORAGE SHEDS

10 G. Siemer's statement is identical to Sue's claim~~x~~ that when
11 she was abused in Indio, she was taken to a "cold storage facility"

12 He said that he went down there many times.

13 When asked about Sue working or going there, he said that he
14 had no recollection that she went there. He said that he went
15 there many times, and if Sue ~~wxx~~ went he was "sure that it
16 wasn't more than one time."

17
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28
When asked if Ada knew anything about Indio, once again he
hesitated and said that he didn't think so because she had
been out of the mix for a while.

TERRY SPEARS
ATTORNEY

15
11/8/2004

Terry,

I have received letters from Ted's client Richard Hamlin. Please make this letter in its entirety available to TCG. Keep a file copy. When TCG first began writing to me about the case with his client and the ~~father~~ client's father-in-law SID SEIMER, I was horrified. If you recall I have expressed my concern ~~off~~ over TCG's involvement in the case. I know SID SEIMER from the Wackenhut/Cabazon operation. Sid was close to J.P. Nichols and Wayne Keeder. My reaction to the allegations of SID's cult involvement was one of horror because of how powerful he is in military and intelligence circles. I have first hand direct knowledge of this since I have been to many military installations with Sid and J.P. Nichols. Some of the other names in the case are known to me as being involved in the Berkeley cult scene centered around the ANDOR PRESS. I have done some checking based on what was revealed in the materials TCG sent. This is stunning to me because it means I was really led by J.P. NICHOLS and associates. SID is at the top in the cult scene on the international level! This guy is extremely dangerous. Sid is an expert in plant biology and epizooology. He was directly involved with the Wackenhut/Cabazon operations biowarfare work with DARPA and the University of California. I never had any idea Sid was so deeply involved with the cult scene. Now that I have had the chance to reflect and double check some things, I can see what has happened to me in a new light. I am going to send you all of the material TCG has sent me on this case. It is horrible. I want to be of help to Ted's client, Mr. Hamlin. I want to recap some things with TCG. If Ted will recall we stay at Wayne Keeder's Country Club with RBN and Harold Okimoto. The purpose of meetings there were to discuss the ouster of J.P. NICHOLS and Wackenhut from the Cabazon operation. Harold was present representing the YAKUZA's interest in the gambling operation. George Bender came to the meetings representing the highest reaches of the US Intelligence

(2)

Community. It was Sid's continued support of J.P. Nichols the persuader Wayne Keeler to stay with J.P. Nichols on the gambling rather than allow Harold's people to move in! This was a major power move that TLG and I were right in the middle of!! Have TLG let me know what specifically I can do to help his ~~other~~ client. Have TLG route all correspondence from himself and his client through C.W. CW can send me the materials sandwiched in between other materials. Neither TLG or his client should write me directly here as this has caused me a lot of trouble. Going through C.W. is the safest way! Have TLG send me the details of where his client's case is at now, and send me a copy of the charges. These people are dangerous! They can hurt me in here! TLG's client cannot write me any more direct letters because this will get me put in S.H.U. I do not want to discuss any of this on the telephone. After you review the materials I am sending you will understand how horrible this situation really is.

TLG has to remember that the Wackenhut/Casagren operation had a DOD top secret facility clearance, and that SIO was one of the approved persons working on the project.

The other thing is that all of this bio warfare work was illegal and against international treaties the U.S. had signed. What has happened with the letter TLG sent to Senator Feinstein on J.P. Nichols etc? I was to get a reporter to contact the Senator's office to find out why there has been no response to date. I think pushing on the unsolved murders obviously connected to the Wackenhut/Casagren operation, as well as the illegal nature of the bio warfare work will help shine some light on the situation.

Mike

Note: TLG and I were led to believe, at the time, that everything that took place at Wayne Keeler's Country Club was sanctioned by the Whitehouse!

MICHAEL J. RICONOSCIUTO

I, Ted Gunderson investigator for Richard Hamlin, interviewed Michael J. Riconosciuto in person at the Federal Medical center, Ft. Devan in Ayer, Mass. on 12/23/04.

Mr. Riconosciuto stated that he was the Research Director for the Wackenhut/Cabazon Indian Reservation Joint Venture Inc. The organization was located in Indio CA and Riconosciuto held his position from 1979-1982. He states that he left the operation * towards the end of 1982.

Riconosciuto was involved in many different projects during that time period. My area of interest in my interview with him was his involvement with Sidney Siemer and his associates.

Riconosciuto worked as Research and Development Director of a biological warfare project. As a part of his involvement, he worked with Sidney Siemer. He states that Siemer was the technical advisor for the project.

Riconosciuto stated that this project was financed by Wakenhut and developer George Wayne Reeder.

Riconosciuto knew that Reeder and Siemer were close friends and buisness associates. HE knew that Reeder had signifigant land holdings in Indio and else where. Reeder also was involved in the gambling operation located on the Indian Reservation in Indio.

Riconosciuto was introduced to Siemer by Peter Zokosky.

Riconosciuto was aware of a close association with Dr. John Paul Nichols who headed up the Cabazon Indian Reservation operations.

This investigator is aware and knows that Nichols was convicted and sent to State Prison for Solicitation of Murder in Indio CA in the mid 80s. I am also aware and know that Reeder has been convicted of Federal charges and sent to Federal prison for 46 months and ordered to pay 16.4 million in restitution.

Riconosciuto states that he worked " shoulder to shoulder " with Siemer. The two of them co-authoreed a report on the topic of biological warfare and technology.

According to Riconosciuto, Siemer utilized UC Davis and Stormont Labs, located in Woodland CA, during his work on this project.

Riconosciuto was also aware of another Siemer associate, Howard Miley. Riconosciuto actually briefly dated a woman who claimed to be the sister of Howard Miley during his time in Indio. Riconosciuto does not recall if he ever personally met Miley but was very aware of his exsistance through Siemer and Miley's sister.

Riconosciuto cont.

Both Siemer and the woman told Riconosciuto of Miley coming to Indio.

Siemer and Miley were friends with two other individuals who "hung around the reservation"; Elizabeth Share and Pat Smith.

Riconosciuto was asked about his knowledge of a cold storage facility in the area. Riconosciuto stated that Siemer had access to such a facility that was located in the Industrial portion ~~xx of xxxxxxxxxxxxxxx~~ Indio and it was not located on the Reservation.

Riconosciuto stated that the project that he and Siemer worked on included many individuals that had been or were involved with the "Military Intelligence Community." He does not remember Siemer talking directly about his past involvement in Military Intelligence but does remember having that opinion that Siemer had been so involved based on the manner in which people talked about Siemer.

At the time that Riconosciuto worked with Siemer he had no direct knowledge of any distribution of snuff films.

At the time that he worked with Siemer he was not aware of any satanic involvement. However, after he stopped working with Siemer, several women claimed sexual abuse of them and in one case her children by a group of individuals associated with a cult. The women told Riconosciuto that the group included, Siemer, Miley, Dr. Nichols, Elizabeth Share and Pat Smith.

Riconosciuto has contacted one victim and she refuses to talk to me concerning Mr. Hamlin's case. She does not want her name mentioned due to her fear of these people. As such, Riconosciuto did not give me her name.

The other women he has not located and will not give us their names unless he receives permission first.

Investigation on this aspect will continue.

MICHAEL RICONOSCUITO'S
CREDIBILITY

- 1.) A letter From Chief of Police, Retired Curtis "Sam" Cross
 - a.) Confirms that Riconoscuito gave him information whcih led to the succesful prosecution of Dr. John Paul Nichols. Nichols pled guilty to solicitation of Murder in Indio.
 - b.) Riconoscuito's sworn affidavit which was submitted to Congressional Hearings on the Inslaw affair.

RECEIVED

JUL 2 1992

H. STUART CUNNINGHAM
UNITED STATES DISTRICT COURT

July 7, 1992

TO WHOM IT MAY CONCERN:

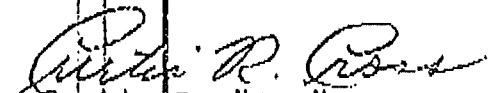
During my tenure as Chief of Police for the City of Indio, California, I had conversations with Michael Riconosciuto on at least two occasions.

On one occasion, Mr. Riconosciuto advised me that he believed a certain subject in my jurisdiction was responsible for the contract murder of a subject in the County of Riverside jurisdiction. He also related that the same individual intended to have several other persons killed due to their involvement in drug trafficking. Subsequent to that conversation, an investigation by my agency proved his allegations to be true.

The individual Mr. Riconosciuto was referring to was arrested and successfully prosecuted on a murder-for-hire charge, and served time in state prison after conviction.

My contact with Mr. Riconosciuto has never given me cause to doubt his credibility, and I would recommend Mr. Riconosciuto be given reasonable considerations within existing legal parameters.

Sincerely,


Curtis R. "Sam" Cross
Chief of Police, Retired

8A

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:)	
	)	Case No. 85-00070
INSLAW, INC.,	)	(Chapter 11)
)	
Debtor.)	
<hr/>		
INSLAW, INC.,)	
)	
Plaintiff,)	
)	
v.	)	Adversary Proceeding
	)	No. 86-0069
UNITED STATES OF AMERICA,)	
and the UNITED STATES)	
DEPARTMENT OF JUSTICE,)	
)	
Defendants.)	
<hr/>		

AFFIDAVIT OF MICHAEL J. RICONOSCIUTO

STATE OF WASHINGTON)	
	)	ss:
)	

I, MICHAEL J. RICONOSCIUTO, being duly sworn, do hereby state as follows:

1. During the early 1980's, I served as the Director of Research for a joint venture between the Wackenhut Corporation of Coral Gables, Florida, and the Cabazon Band of Indians of Indio, California. The joint venture was located on the Cabazon reservation.

2. The Wackenhut-Cabazon joint venture sought to develop and/or manufacture certain materials that are used in military and national security operations, including night vision goggles, machine guns, fuel-air explosives, and biological and chemical warfare weapons.

3. The Cabazon Band of Indians are a sovereign nation. The sovereign immunity that is accorded the Cabazons as a consequence of this fact made it feasible to pursue on the reservation the development and/or manufacture of materials whose development or manufacture would be subject to stringent controls off the reservation. As a minority group, the Cabazon Indians also provided the Wackenhut Corporation with an enhanced ability to obtain federal contracts through the 8A Set Aside Program, and in connection with Government-owned contractor-operated (GOCO) facilities.

4. The Wackenhut-Cabazon joint venture was intended to support the needs of a number of foreign governments and forces, including forces and governments in Central America and the Middle East. The Contras in Nicaragua represented one of the most important priorities for the joint venture.

5. The Wackenhut-Cabazon joint venture maintained close liaison with certain elements of the United States Government, including representatives of intelligence, military and law enforcement agencies.

6. Among the frequent visitors to the Wackenhut-Cabazon joint venture were Peter Videnieks of the U.S. Department of Justice in Washington, D.C., and a close associate of Videnieks by the name of Earl W. Brian. Brian is a private businessman who lives in Maryland and who has maintained close business ties with the U.S. intelligence community for many years.

7. In connection with my work for Wackenhut, I engaged in some software development and modification work in 1983 and 1984 on the proprietary PROMIS computer software product. The copy of PROMIS on which I worked came from the U.S. Department of Justice. Earl W. Brian made it available to me through Wackenhut after acquiring it from Peter Videnieks, who was then a Department of Justice contracting official with responsibility for the PROMIS software. I performed the modifications to PROMIS in Indio, California; Silver Spring, Maryland; and Miami, Florida.

8. The purpose of the PROMIS software modifications that I made in 1983 and 1984 was to support a plan for the implementation of PROMIS in law enforcement and intelligence agencies worldwide. Earl W. Brian was spearheading the plan for this worldwide use of the PROMIS computer software.

9. Some of the modifications that I made were specifically designed to facilitate the implementation of PROMIS within two agencies of the Government of Canada: the Royal Canadian Mounted Police (RCMP) and the Canadian Security and Intelligence Service (CSIS). Earl W. Brian would check with me from time to time to make certain that the work would be completed in time to satisfy the schedule for the RCMP and CSIS implementations of PROMIS.

10. The proprietary version of PROMIS, as modified by me, was, in fact, implemented in both the RCMP and the CSIS in Canada. It was my understanding

11. In February 1991, I had a telephone conversation with Peter Videnieks, then still employed by the U.S. Department of Justice. Videnieks attempted during this telephone conversation to persuade me not to cooperate with an independent investigation of the government's piracy of INSLAW's proprietary PROMIS software being conducted by the Committee on the Judiciary of the U.S. House of Representatives.

12. Videnieks stated that I would be rewarded for a decision not to cooperate with the House Judiciary Committee investigation. Videnieks forecasted an immediate and favorable resolution of a protracted child custody dispute being prosecuted against my wife by her former husband, if I were to decide not to cooperate with the House Judiciary Committee investigation.

13. Videnieks also outlined specific punishments that I could expect to receive from the U.S. Department of Justice if I cooperate with the House Judiciary Committee's investigation.

14. One punishment that Videnieks outlined was the future inclusion of me and my father in a criminal prosecution of certain business associates of mine in Orange County, California, in connection with the operation of a savings and loan institution in Orange County. By way of underscoring his power to influence such decisions at the U.S. Department of Justice, Videnieks informed me of the indictment of these business associates prior to the time when that indictment was unsealed and made public.

15. Another punishment that Videnieks threatened against me if I cooperate with the House Judiciary Committee is prosecution by the U.S. Department of Justice for perjury. Videnieks warned me that credible witnesses would come forward to contradict any damaging claims that I made in testimony before the House Judiciary Committee, and that I would subsequently be prosecuted for perjury by the U.S. Department of Justice for my testimony before the House Judiciary Committee.

FURTHER AFFIANT SAYETH NOT.

Michael J. Riconosciuto
Michael J. Riconosciuto

Signed and sworn to before me this 21 day of March, 1991.

[Signature]
Notary Public

My Commission Expires:

Sept 19, 1993

are very susceptible for infection
I am one of those. (So I suppose
he got sick from it last year)
Terri was fine tho.

I went to Idaho Thursday
with Dad to work. What
a miserable place! You
think Fresno is bad. That
was awful. I can't imagine
anyone living there by choice.
And that's only 20 miles from
Palm Springs. Awful!

Terri has been doing a
lot of pen and ink drawings
lately hoping maybe she
could sell them in the
Getzen gift shop. What do you
think? They really look good
and she is having success
doing them.

What else have you found
out about your job situation?

Ingo
my pl phr.

Shirley
Hawnd
1972?

What kind of sick
Sick
Pachonia
in water
Glen got it
last year

6/9/82

8424

- ① Gls + Dad work
- ② George full in work
- ③ Can Don in future

March 81

Saturday night after work.

Dear Mom -

How are you? I wish I could be up there with you! I'm really glad there was able to be up there. She is a big help when someone is sick. I'll take good care of you I'm sure. I hope you get to feeling better real soon. I don't like you to be sick.

I am keeping so busy with school - sometimes I think I'll go crazy. It really gets hectic - and so much pressure all the time. Just when you get to feeling like you are coming from within it - they pull you out. Sometimes I wonder what I've gotten myself into. You didn't sign up for any classes this semester did you? Of course, you probably didn't know about your surgery at that time did you?

Ken went down to Idaho with Dad to work. I'm glad they can work together. It sure was long in coming. Hopefully Dad will have enough work to keep Ken busy this summer. He may have to look for something else tho. I think Ken likes this low-pressure life while he is in school tho. It seems to be working out well. This way he has plenty of time and energy for school work and he is better able to stay interested.

George and I really had a nice time. It was very relaxing. I was surprised & liked kind of expecting it

INT340

Union Calendar

102d Congress, 2d Session - - - - - House

THE INSLAW AFFAIR

INVESTIGATIVE REPORT

BY THE

COMMITTEE ON THE JUDICIARY

together with

DISSENTING AND SEPARATE DISSENTING VIEWS



READ

50

PAGES 72

67

100

SEPTEMBER 10, 1992.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1992

nesses' sworn testimony.¹¹⁹ Although the committee's investigation could not reach a definitive conclusion regarding the motives behind the misappropriation of the Enhanced PROMIS software, the disturbing questions raised, unexplained coincidences and peculiar events that have surfaced throughout the committee's inquiry into the INSLAW case raises the need for further investigation.

Finally, as documented infra, the committee's investigation was unfortunately hampered by numerous obstacles which prevented it from conducting a complete review of several allegations during the investigation of the INSLAW case. This was particularly true of the allegations involving a possible criminal conspiracy by high level Government officials to steal, sell, and disseminate INSLAW's PROMIS software for secret or covert programs domestically and abroad.¹²⁰

Other events—including the arrest and conviction of a key informant and the death of a reporter covering the INSLAW matter—have only generated more questions about the INSLAW matter. Numerous potential witnesses refused to cooperate, for the stated reason that they were fearful for their jobs and retaliation by the Justice Department or that attempts had already been made to intimidate them against cooperating. Other witnesses directly contradicted the statements attributed to them by the Hamiltons and were clearly distressed that their names had been drawn into the web of the INSLAW conspiracy theory. Mr. Riconosciuto and others claimed to have direct knowledge of a conspiracy by high level Department officials to turn INSLAW's PROMIS software over to former Attorney General Meese's friend and former associate, Dr. Earl Brian.¹²¹ Finally, many witnesses have given conflicting and inconsistent testimony which may involve perjury and obstruction. The following is a brief discussion of these issues.

2. SWORN STATEMENT OF MICHAEL RICONOSCUTO

Mr. Michael Riconosciuto, a self-described computer expert who in the past has been involved with contract computer and munitions work for U.S. intelligence agencies, was brought to the attention of the committee in June 1990. Mr. Riconosciuto alleged that he had access to information that clearly linked Dr. Earl Brian to

¹¹⁹ There is some measure of irony in the reaction of some current and former Department officials in their attempt to discredit automatically these allegations simply because of the past activities of certain witnesses who have worked "both sides" of the enforcement or intelligence communities. The Department showed no similar reluctance or moral fastidiousness in the recent prosecution of Manuel Noriega, which involved the use of over 40 witnesses, the majority of whom were previously convicted drug traffickers. Obviously, a witness' perceived credibility is not always indicative of the accuracy or usability in court of the information provided.

¹²⁰ The Department's unwillingness to allow congressional oversight into its affairs, in spite of an alleged coverup of wrongdoing, greatly hindered the committee's investigation of the INSLAW allegations. The Department delayed and hindered congressional inquiries into the INSLAW matter over several years. This committee consumed almost 2 years and had to resort to a subpoena to obtain key information. Even then, key Department files subpoenaed by the committee were reported lost and other key investigative files are still being denied on the basis that these files contain criminal investigative material. The committee also encountered serious problems with obtaining cooperation from U.S. intelligence and law enforcement agencies. While some limited level of assistance was eventually provided from these groups, it often took months to arrange even minimum cooperation. The committee also encountered virtually no cooperation in its investigation of the INSLAW matter beyond U.S. borders. The Government of Canada refused to make its officials available to committee investigators for interviews without strict limitations on the questioning. Also, see discussion in section entitled, "INSLAW Request for Independent Counsel," for greater detail.

¹²¹ See section of report entitled, "The Allegations."

the Department's theft of Enhanced PROMIS software. Mr. Riconosciuto alleged that Dr. Brian was given the software as a reward for work he had done for the Reagan Presidential campaign.¹²² In a sworn statement to Mr. and Mrs. Hamilton, Mr. Riconosciuto stated that in the early 1980's both he and Dr. Brian were associated with the Wackenhut Corporation¹²³ to work on a covert project on the Cabazon Indian Reservation located near Indio, California.¹²⁴

On March 21, 1991, Mr. Riconosciuto provided the Hamiltons a sworn affidavit detailing his involvement with Dr. Brian and Peter Videnieks, the Department's contracting official. Mr. Riconosciuto stated that while employed by the Wackenhut Corporation he was involved with the modification of proprietary Enhanced PROMIS software during calendar years 1983 and 1984. Mr. Riconosciuto further stated that the software was provided to him by Dr. Brian, who had obtained it from Mr. Videnieks. Mr. Riconosciuto alleged that the software modifications were made to facilitate implementation of PROMIS software—in particular, porting PROMIS to the systems in two Canadian agencies, the Royal Canadian Mounted Police (RCMP) and the Canadian Security and Intelligence Service (CSIS). According to Mr. Riconosciuto, the modified PROMIS software was implemented by these agencies, and Dr. Brian brokered the sale to the Canadian Government.¹²⁵

In his March 21, 1991, affidavit, Mr. Riconosciuto stated that in February 1991, Peter Videnieks told him in a telephone conversation that it would be beneficial for him to refuse a committee request for an interview.¹²⁶

Despite the alleged interference by the Department, Mr. Riconosciuto provided a sworn statement to committee investigators on April 4, 1991. In his statement, Mr. Riconosciuto directly connected his involvement with modifying PROMIS to Dr. Brian and Mr. Videnieks. Mr. Riconosciuto also provided information concerning the February 1991 telephone conversation with Mr. Videnieks, which he referred to in his March 21, 1991, statement to the Hamiltons. Mr. Riconosciuto further alleged that he had in his possession two copies of the tape recorded conversation at the time of his arrest and that the tapes are currently in the possession of the DEA agents who arrested him.¹²⁷

Mr. Riconosciuto described his role and work with Dr. John Nichols and the Wackenhut/Cabazon joint venture.¹²⁸ According to Mr. Riconosciuto, Dr. John Nichols was the director of the Wackenhut/Cabazon joint venture in Indio, CA.¹²⁹ Mr. Riconosciuto said that Dr. Nichols and Mr. Brian worked closely on a variety of international projects; and, during the joint venture, Dr. Nichols was

¹²² Memorandum to the record, June 21, 1990, prepared by William A. and Nancy B. Hamilton, p. 1.

¹²³ The Wackenhut Corporation is an investigation and security firm based in Coral Gables, Florida. It has been alleged that Wackenhut has been contracted to conduct covert investigations and other covert projects.

¹²⁴ Sworn affidavit of Michael Riconosciuto, March 21, 1991, p. 2 (on file with the committee).

¹²⁵ Ibid., p. 1. [Also see section on Canada, p. 109.]

¹²⁶ Sworn statement of Michael Riconosciuto, April 4, 1991, pp. 59-71.

¹²⁷ The Wackenhut/Cabazon joint venture sought to develop and/or manufacture certain materials that are used in military and national security operations, including night vision goggles, machineguns, fuel-air explosives, and biological and chemical warfare weapons.

¹²⁸ Sworn statement of Michael Riconosciuto, April 4, 1991, pp. 5-6.

personnel at the U.S. attorney's office. At this time, Mr. Hayes gave the disks and related material to committee investigators.¹⁹⁷ Committee investigators identified the 5 1/4-inch disks and related materials as nothing more than training programs for the Lanier computers used by the Lexington office. Mr. Hamilton told committee investigators that it was "highly implausible" that the 5 1/4-inch disks would contain Enhanced PROMIS. Mr. Hamilton further stated that if PROMIS was being used on the Lanier word processing equipment, it would have to be the public domain version which is not the subject of the legal dispute with the Department.

Mr. Hayes continued to have frequent conversations with Mr. Hamilton and his attorneys. Mr. Hamilton provided the committee staff a memorandum, dated October 22, 1990, that memorialized several telephone conversations in which Mr. Hayes allegedly told Mr. Hamilton that:¹⁹⁸

He can identify about 300 places where the PROMIS software has been installed illegally by the Federal Government. Dr. Brian sold PROMIS to the Central Intelligence Agency in 1983 for implementation on computers purchased from Floating Point Systems and what the CIA called PROMIS "Datapoint."

Dr. Brian has sold about \$20 million of PROMIS licenses to the Federal Government.

Department officials hinted to CIA officials that they should deny that they are using PROMIS.

In addition, Mr. Hayes repeated to committee investigators on numerous occasions many of the same claims that were contained in Mr. Hamilton's October 22, 1990, memorandum. Mr. Hayes also told committee investigators that he had received information from unnamed sources within the Canadian Government that Dr. Brian sold the PROMIS software to the Canadian Government in 1987. He made numerous promises to committee investigators in the documentation regarding these sales by Dr. Brian would be provided to the committee by the unnamed Canadian officials. However, on August 16, 1991, Mr. Hayes stated that the Canadian officials decided not to cooperate with the committee.

He these allegations are intriguing, Mr. Hayes has not provided any corroborating documentation.

Lester K. Coleman: As part of the bankruptcy proceeding involving INSLAW a sworn affidavit was obtained from Lester K. Coleman. (Adversary Proceeding No. 86-0069.) Mr. Coleman described himself as a freelance writer, editor and security consultant, who, in 1988, was an employee of the Defense Intelligence Agency. Mr. Coleman stated that during April and May 1988, he worked with Eurame Trading Company, Ltd., a DEA proprietary company in Nicosia, Cyprus. Mr. Coleman said that at that time he found that the DEA was using the trading company to sell computer software called "PROMISE" or "PROMIS" to drug abuse control agencies in Cyprus, Pakistan, Syria, Kuwait, and Turkey. Mr. Coleman also said that he witnessed the unpacking of reels of computer tapes

and computer hardware at the Nicosia Police Force Narcotics Squad. The boxes bore the name and red logo of a Canadian corporation with the words "PROMISE" or "PROMIS" and "Ltd." According to Mr. Coleman, the DEA's objective in aiding the implementation of this "PROMIS(E)" system in these Middle East countries' drug abuse control agencies was to augment the United States' ability to access sensitive drug control law enforcement and intelligence files.

Mr. Coleman further stated that a DEA Agent (Country Attache) was responsible for both the Eurame Trading Company, Ltd., and its initiative to sell "PROMIS(E)" computer systems to Middle East countries for drug abuse control. Mr. Coleman stated to the court under oath that he believed the agent's reassignment in 1990 to a DEA intelligence position in the State of Washington prior to Michael Riconosciuto's March 1991 arrest there on drug charges was more than coincidental. Mr. Coleman stated he believes that the agent was assigned to Riconosciuto's home State to manufacture a case against him. Mr. Coleman stated he believes this was done to prevent Mr. Riconosciuto from becoming a credible witness concerning the U.S. Government's covert sale of PROMIS to foreign governments.

Mr. Coleman stated under oath that he had been contacted by a reporter named Danny Casolaro on August 3, 1991. Mr. Coleman stated that Mr. Casolaro told him that he had leads and hard information about (1) Department of Justice groups operating overseas, (2) the sale of the "PROMIS(E)" software by the U. S. Government to foreign governments, (3) Bank of Credit and Commerce International (BCCI), and (4) the Iran/Contra scandal.¹⁹⁹

Juval Aviv: Mr. Juval Aviv stated to the committee that he is a former member of the Israeli Mossad who currently serves as president and chief executive officer of Interfor, Inc., a private investigative firm specializing in international investigations. In January 1991, Mr. Aviv told committee investigators that he could provide information that Dr. Brian sold INSLAW's Enhanced PROMIS software to U.S. Government agencies outside the Department, including the CIA, National Security Agency, National Aeronautics and Space Administration, and the National Security Council. Mr. Aviv also stated that Dr. Brian sold the PROMIS software to Interpol in France, the Israeli Mossad, the Israeli Air Force, and the Egyptian Government.²⁰⁰

Mr. Aviv stated that Dr. Brian sold the software to Egypt through the use of the foreign military assistance program and that the software was called either Data Plus or PROMIS Plus. He also stated that INSLAW's Enhanced PROMIS software was converted for use by both the United States and British Navy nuclear submarine intelligence data base.

Mr. Aviv stated that there are witnesses and documents to corroborate his allegations. Following Mr. Aviv's meeting with committee investigators in January 1991, he has refused to provide a sworn statement or any further information.

¹⁹⁷ Sworn statement of Mr. Charles Hayes provided to committee investigators on February 13, 1991, at Lexington, KY (on file with the committee).

¹⁹⁸ Memorandum from Mr. William Hamilton to Mr. Elliot Richardson, Esq., and Mr. Charles Work, Esq., October 22, 1990, pp. 1-2, on file with the committee.

¹⁹⁹ Sworn affidavit of Lester K. Coleman, *INSLAW, Inc. v. United States et al.*, Adversary Proceeding No. 86-0069.

²⁰⁰ Mr. Aviv met with investigators on January 25, 1991, at Interfor, Inc., offices in New York City. See memorandum of interview on file with the committee.

John Schoolmeester: The committee received information from Mr. and Mrs. Hamilton that John Schoolmeester, a former Customs Services program officer, had direct knowledge of ties between Mr. Videnieks and one of Dr. Brian's computer companies called Hadron, Inc., prior to Mr. Videnieks' employment with the Justice Department.²⁰¹ Mr. Hamilton asserted that Mr. Videnieks conspired with Dr. Brian and other Hadron, Inc., management to transfer INSLAW's PROMIS software to the company. In two sworn statements provided to the committee, Mr. Schoolmeester stated that Mr. Videnieks, as a contracting officer for the Customs Service, was involved with several Hadron, Inc., contracts, and that Mr. Videnieks would necessarily have met with Dominic Laiti (a former Hadron, Inc., chief executive officer) on a regular basis because that was the way Mr. Laiti conducted business. However, Mr. Videnieks stated under oath that he did not know or have any conversations with Dominic Laiti or Dr. Brian.²⁰² Mr. Schoolmeester stated that Dr. Brian was "the behind the scenes guy at Hadron, Inc.," but he was not certain whether Mr. Videnieks had met with him.²⁰³ Mr. Schoolmeester also stated that Dr. Brian was well connected in Washington and that he had connections with Mr. Meese and several congressional figures.²⁰⁴

Lois Battistoni: The committee also received allegations from Mr. Hamilton that Ms. Lois Battistoni, a former Justice Criminal Division employee, had information which could support the allegation that Dr. Brian had arranged with Justice officials to transfer PROMIS to Hadron, Inc. According to Mr. Hamilton, Ms. Battistoni stated that a Criminal Division employee had told her that there was a company chosen to take over INSLAW's contracts and that this company was connected to a top Department official through a California relationship. Mr. Hamilton stated that she believed that Hadron, Inc., was a possibility because Dr. Brian and Mr. Meese served together in Governor Reagan's administration.²⁰⁵

Ms. Battistoni, however, stated under oath to committee investigators that she has little firsthand knowledge of the facts surrounding these allegations, nor did she provide the name of the Criminal Division employee who had provided her with the information about this matter. She indicated that Department employees are afraid to cooperate with Congress for fear of reprisals by the Justice Department.²⁰⁶

Ms. Battistoni also raised a number of allegations about the involvement of Department employees in the destruction (shredding) of documents related to the INSLAW matter.²⁰⁷ While the committee was unable to obtain any direct information about the alleged

²⁰¹ December 22, 1989, affidavit of William Hamilton in *INSLAW, Inc. v. Dick Thornburgh*, et al., p. 12.

²⁰² Sworn statement of Peter Videnieks, November 5, 1990, p. 104 (on file with the committee).

²⁰³ Sworn statement of John Schoolmeester, October 10, 1991, pp. 5-6 (on file with the committee).

²⁰⁴ Sworn statement of John Schoolmeester, November 6, 1991, p. 17 (on file with the committee).

²⁰⁵ December 22, 1989, affidavit of William Hamilton, *INSLAW, Inc. v. Dick Thornburgh*, et al., pp. 18-19.

²⁰⁶ Sworn statement of Lois Battistoni, October 2, 1991, p. 54. See also numerous memoranda of interview on file with the committee.

²⁰⁷ Memorandum of interview, February 14, 1992 (on file with the committee).

shredding provided by Ms. Battistoni, the issue stands open and calls for further investigation.

C. OTHER IMPORTANT QUESTIONS REMAIN

1. THE DEATH OF DANIEL CASOLARO

On August 10, 1991, the lifeless body of Mr. Daniel Casolaro, an investigative reporter investigating the INSLAW matter,²⁰⁸ was discovered in a hotel room in Martinsburg, WV. Mr. Casolaro's body was found in the bathtub with both of his wrists slashed several times. There was no sign of forced entry into the hotel room nor of a struggle. A short suicide note was found. Following a brief preliminary investigation by the local authorities, the death was ruled a suicide.²⁰⁹ The investigation was reopened following numerous inquiries by Mr. Casolaro's brother and others into the suspicious circumstances surrounding his death. On January 25, 1992, local authorities again ruled Mr. Casolaro's death a suicide.

The committee did not include the death of Daniel Casolaro as part of its formal investigation of the INSLAW matter. Nevertheless, it is a fair statement to observe that the controversy surrounding the death continues to be discussed in the press and to appear to be fostered by the INSLAW litigation. These questions men's death and the criticism of in the Martinsburg Police Department's investigation.²¹⁰

Other sources have been quoted in the media indicating that Mr. Casolaro did not commit suicide, and that his death was linked to his investigation of INSLAW, Bank of Credit and Commerce International (BCCI), and other matters such as the Iran/Contra affair.

²⁰⁸ Daniel Casolaro had indicated to a number of individuals that the INSLAW affair was part of a much deeper tangle of intrigues that he called the Octopus. They included the Iran-Contra arms deals and BCCI.

²⁰⁹ Telephone interview of Sergeant Swartwood, Martinsburg, West Virginia Police, August 12, 1991. Sergeant Swartwood told committee investigators that Mr. Casolaro's death had been handled as a suicide and that the scene had not been protected.

²¹⁰ Elliot Richardson, a former Attorney General, now representing INSLAW, called for a Federal investigation of Mr. Casolaro's death: "I believe he was murdered, but even if that is no more than a possibility, it is a possibility with such sinister implications as to demand a serious effort to discover the truth." (October 21, 1991, New York Times.)

In a memorandum to Department of Justice Special Counsel Judge Nicholas Bue, Mr. Richardson urges that further investigation of Mr. Casolaro's death is needed. Mr. Richardson stated that:

"During the 3 days preceding his [Mr. Casolaro] death he told four friends in the course of four different telephone conversations that he was about to go to West Virginia to meet someone from whom he was confident of receiving definitive proof of what had happened to the PROMIS software and to INSLAW. There is no apparent reason why Casolaro would have lied to those four friends, nor is there any apparent reason why his friends would have lied to those connectedly misrepresent what he said to him. It is not likely, on the other hand, that Casolaro had unrealistic expectations either toward the significance of the evidence he anticipated receiving or toward the prospect that it would be delivered. He had, after all, been on the INSLAW case for 1 year, and he was bound to know as well as any other of the investigative reporters then pursuing it that promises of hard evidence had often been made and just as often disappointed."

In the light of these facts, the key question is, with whom was Danny Casolaro expecting to meet and with whom did he meet? In our view the answer to that question should be relentlessly pursued.

[Elliot Richardson memorandum to Judge Bue, January 14, 1992, pp. 43-44 (on file with the committee).]

fair.²¹¹ It has been reported that Mr. Casolaro had confided to several people that he was receiving death threats because he was getting close to concluding his investigation. Furthermore, he told family and friends not to believe that, if he died, it was by accident. According to his brother, Mr. Casolaro's investigation began to come together during the summer of 1991. Several people indicated he was upbeat and that on the weekend of August 10, 1991, he was in Martinsburg, WV to receive significant information for his project from a source.²¹²

Mr. Casolaro died on August 10, 1991, and his death was officially ruled a suicide on January 25, 1992, over 5 months later. The criticism of the investigation of Casolaro's death by the Martinsburg, WV, police center on the following areas: Prior to any coroners' investigation and before his family was notified, Mr. Casolaro's body was embalmed, which may have limited the effectiveness of autopsies or toxicological examinations. Some evidence also surfaced indicating that immediately following the discovery of the body, the room was not sealed by the Martinsburg authorities, potentially allowing for the contamination of the possible crime scene. Additionally, it was reported that the room in which Mr. Casolaro was found was cleaned before a thorough criminal investigation could be conducted.

Information received from other sources reveal other curious circumstances surrounding Mr. Casolaro's death that may or may not have been considered by Martinsburg authorities. In a sworn statement to the committee, Richard Stavin (a former Department of Justice Organized Crime Strike Force prosecutor) stated:

I received a call from Danny Casolaro approximately 1 week before he was found dead.... He spoke to me about INSLAW. He spoke to me about a group he called, the Octopus. I believe he mentioned Robert Nichols, and possibly also John Phillip Nichols, in this conversation, and was extremely interested, intrigued and frustrated in his inability to get a grasp on what he called the Octopus.

He had indicated that he had met with—again I believe it was Robert Nichols on several occasions, that Robert Nichols was extremely talkative to a point, but when Mr. Casolaro would ask specific questions, he [Nichols] would become somewhat evasive.²¹³

William Hamilton and Michael Riconosciuto both told committee investigators that Robert Booth Nichols was Danny Casolaro's primary source of information in his investigation into the theft of the

PROMIS software system. In a later telephone interview, Mr. Nichols told committee investigators that he was acting as a sounding board for Mr. Casolaro and providing direction and insight for his investigation into the INSLAW matter.²¹⁴ Mr. Nichols would not provide a sworn statement to committee investigators.

In addition, the committee was informed by three separate individuals—Mr. Riconosciuto's attorney, a private investigator and a FBI agent—that a current FBI field agent, Thomas Gates, likely had information relating to Danny Casolaro's efforts to investigate the INSLAW matter. At the request of the committee, Director Sessions agreed to allow Special Agent Gates to provide the committee a sworn statement. Though Special Agent Gates' statement covered a broad range of subject matter areas, some speculative and some reflecting first person accounts, he indicated under oath that he had received several calls from Mr. Casolaro, beginning approximately 4 weeks before his death.²¹⁵

Special Agent Gates stated that he was very suspicious about Mr. Casolaro's death for several reasons, including:

In his conversations with Casolaro, even days before the reporter's death, Gates had felt that Casolaro sounded very "upbeat" and not like a person contemplating suicide.

Mr. Casolaro had a phone book which contained his (Special Agent Gates') telephone number. Special Agent Gates said that the phone book had not been located during the police investigation.

The Martinsburg Police Department told him that the wounds Mr. Casolaro's arms were "hacking" wounds. Special Agent Gates felt that the amount of injury to the arms of Mr. Casolaro were not consistent with injuries inflicted by an individual who had slit his own wrists. Special Agent Gates said he was told by Martinsburg Police investigators that:

...he [Mr. Casolaro] hacked his wrists... the wrists were cut, but they were cut almost in a slashing or hacking motion....

An open bottle of wine was allegedly found in the room, but the contents had not been tested at the time of Special Agent Gates' conversation with Martinsburg authorities.

Special Agent Gates said that he made his suspicions known to Martinsburg authorities, and that he called the local FBI office and suggested that they investigate because it was possibly related to criminal activity which falls within the jurisdiction of the FBI.²¹⁶ In his sworn statement, Special Agent Gates concluded that:

...based upon my prior testimony concerning my contacts with Casolaro and also with the Captain of the Martinsburg Police Department, there is cause for suspicions to be raised....²¹⁷

²¹⁴ Memorandum of interview with Robert Booth Nichols, January 21, 1992 (on file with the committee).

²¹⁵ Sworn statement of Special Agent Thomas Gates, March 25, 1992, p. 10 (on file with the committee).

²¹⁶ Informal Transportation in Aid of Backchecking (ITAB). Sworn statement of Special Agent Thomas Gates, March 26, 1992, p. 56.

²¹⁷ Ibid., p. 61. It should be noted that throughout his deposition, Agent Gates repeatedly concluded various strands of his conversations with Casolaro, as well as other aspects of the

²¹¹ Washington Post, January 27, 1992, p. B2.
²¹² Telephone interview of Anthony Casolaro, M.D., August 12, 1991. Dr. Casolaro also told committee investigators that on August 5, 1991, Danny Casolaro said to him, "someone else told me I better back off the story." Dr. Casolaro also said that Olga McKee, Danny Casolaro's housekeeper, received a phone call in which the caller said, "you're dead, you bastard." Olga also told Dr. Casolaro that following Danny Casolaro's death, she noticed that a stack of typed pages that usually sat on top of Danny Casolaro's desk was missing. Dr. Casolaro told the Washington Post (January 27, 1992, p. B2) that it was suspicious that none of Mr. Casolaro's investigative notes or papers were found in his car, hotel room, or at his home after his body was discovered. Mr. Casolaro's brother thought that this was suspicious because all throughout the time that Mr. Casolaro had been conducting his investigation, he always carried his notes with him. Mr. Casolaro's brother said:
 "Somebody cleaned out his car and his room. If my brother did that, it seems as though his papers should have been found." Washington Post, January 27, 1992, p. B2.
²¹³ Sworn statement of Richard Stavin, March 13, 1992, pp. 23-24 (on file at committee).

2. POSSIBLE CONNECTION BETWEEN EARL BRIAN, MICHAEL RICONOSCIUTO, ROBERT BOOTH NICHOLS AND THE CABAZON INDIAN RESERVATION

Mr. Riconosciuto has alleged in a sworn statement to the committee²¹⁸ that Dr. Brian and Mr. Peter Vidieniks secretly delivered INSLAW's PROMIS software to the Cabazon Indian Reservation, located in California, for "refitting" for use by intelligence agencies in the United States and abroad. Mr. Riconosciuto could not provide evidence other than his eyewitness account that Dr. Brian was involved in the PROMIS conversion at the reservation. Dr. Brian flatly contradicts Riconosciuto's claims in his own sworn statement to committee investigators.²¹⁹ In addition, in a sworn affidavit provided on April 2, 1991, in connection with the INSLAW bankruptcy case, Dr. Brian stated that he had never heard of, or was associated with, the so-called Wackenhut/Cabazon Indian joint venture,²²⁰ nor had he ever met, or had conversations with Peter Vidieniks²²⁰—all in direct opposition to the Riconosciuto deposition as well as to certain law enforcement information on file at the committee.²²¹ In light of these disputed versions of events, the committee is not in a position to make findings of fact on Dr. Brian's role, but would strongly recommend that further investigation be given to ascertaining the role, if any, of Dr. Brian in INSLAW-related matters including, but not limited to, questions surrounding the Department of Justice's alleged conversion of the PROMIS software and its possible dissemination to other customers beyond the intended usage of the public domain version.²²²

INSLAW investigation, to a single individual, Robert Booth Nichols. In making certain statements, Gates acknowledged that Nichols had filed a law suit against him because of another crime investigation in which he participated which was centered in southern California. Nevertheless, Gates maintained that important and highly pertinent information regarding the past history of Nichols existed in sealed wiretap and confidential grand jury investigations which by law, Agent Gates is prohibited to disclose in the absence of a subpoena. In this regard, the committee was provided by Richard Slavina with a 72-page affidavit submitted by Special Agent Gates to a Federal court which contained the results of a FBI wiretap on individuals in the entertainment industry suspected of having ties to organized crime. The committee takes no position on any of Gates' assertions or suppositions vis-a-vis Nichols, except to note again that they were duly sworn statements.

218. Statement of Michael Riconosciuto, April 4, 1991 (on file with the committee); see also *supra*, at pp. 99-102.

219. Sworn statement of Earl Brian, September 20, 1990 (on file with the committee).

220. April 2, 1991, affidavit of Earl Brian, *INSLAW, Inc. v. United States*, et al., No. 85-0070, P. 2.

221. Riverside County District Attorney's Office Special Operations Report, October 10, 1991, pp. 2-4 (on file with the committee).

222. It should be noted that other information was received by the committee relating to whether Dr. Brian was involved with other individuals in various Wackenhut, Inc./Cabazon Indian Reservation business ventures in California during the early 1980s. While any degree of corroborating evidence on this point does not establish whether Dr. Brian was involved in INSLAW-related matters under investigation, it has been cited by others for the proposition that Dr. Brian, contrary to his sworn affidavit, had indeed heard of Wackenhut/Cabazon enterprise thus casting into doubt other assertions. According to a law enforcement police report on file with the committee, Dr. Brian together with Michael Riconosciuto, among others, attended a weapons demonstration at Lake Cauchilla gun range in Indio, CA, during the evening of September 10, 1991. See Riverside County District Attorney's Office Special Operations Report, October 10, 1991, pp. 2-4 (on file with the committee).

Further, in an article which appeared in the March 30, 1992, edition of the *Washington Business Journal*, Art Welman, the former chairman of the Cabazon Tribe stated that Dr. Brian had been seen on the reservation and that his name was frequently mentioned by Mr. Riconosciuto and Dr. John Nichols the manager of the reservation's operations. "Brian must have been involved," Welman said in the article. "His name was mentioned and discussed on a daily basis." See *Washington Business Journal*, March 30, 1992.

Finally, there have been a number of speculative reports and fragmentary records purporting to link Robert Booth Nichols, through a company called Meridian Arms Corporation, and Michael Riconosciuto to certain covert intelligence activities, including a joint venture between the

V. ALLEGATIONS OF PERJURY, COVERUP AND RETRIBUTION: A WEB OF CONTRADICTION AND DECEIT

The committee encountered numerous situations that pointed to a concerted effort by Department officials to manipulate the litigation of the INSLAW bankruptcy, as alleged by the president of INSLAW. For example, there were several possibly perjurious conflicts and contradictions among witnesses of the alleged Department attempt to convert INSLAW from a chapter 11 reorganization to a chapter 7 liquidation.²²³ During this controversy, one key Department witness was harassed and, ultimately, fired because the findings of the Bankruptcy Court were erroneous and the findings of information sharing to INSLAW was a dismissible offense.

On March 17, 1987, William Hamilton and his wife Nancy met with Anthony Pascuto, then Deputy Director of the Justice Department's Executive Office for U.S. Trustees (EOUST). Mr. Pascuto provided them information obtained during a January 12, 1987, conversation with Judge Cornelius Blackshear, the U.S. Bankruptcy Court judge for the Southern District of New York.²²⁴ This conversation led to an allegation that Thomas Stanton, the EOUST Director, sought to have INSLAW's bankruptcy status converted from a chapter 11 reorganization to a chapter 7 liquidation of the company's assets, allegedly through the help of Harry Jones,²²⁵ the Assistant U.S. Trustee for the Southern District of New York, and an expert in chapter 11 bankruptcy law.²²⁶ According to Mr. Judge Blackshear stated that Mr. Stanton had pressured over the INSLAW case, and that Judge Blackshear didn't like it. During sworn testimony to committee investigators on June 4, 1991, Mr. Pascuto stated that he attended a January 1987 lunch-eon meeting with Judge Blackshear, Judge Lawrence Pierce (a U.S. Circuit Court judge and a long time associate of Pascuto), Mr. Pascuto, Mr. Jones and Mr. Elliott Lombard (an acquaintance of Mr. Stanton's attempt to pressure him into sending Mr. Jones to work on the INSLAW bankruptcy, and that it was clear in his mind that Judge Blackshear implied that Mr. Stanton wanted INSLAW converted to chapter 7 status and needed Mr. Jones to accomplish this.²²⁷

Cabazon Indian Reservation and Wackenhut, Inc. The continuing intersection of the names of Michael Riconosciuto, Dr. Earl Brian, Robert Booth Nichols and the Cabazon Indian Reservation are certainly intriguing and curious "associations" but without the requisite degree of causation and factual convergence necessary to draw conclusions at this time into potential wrongdoing in the INSLAW matter.

223. This allegation is key to INSLAW's claim that the Department attempted to put the company out of business and transfer its principal asset Enhanced PROMIS to Hydron, Inc., a company controlled by Dr. Earl Brian, former Attorney General Meese's friend and associate. Judge Blackshear was appointed to the bench in November 1985. Prior to this time he was the U.S. Trustee for the Southern District of New York.

224. Mr. Jones, who has professed ignorance of a possible role in any attempt to convert the company to chapter 7 status, is now a bankruptcy judge.

225. Sworn statement of Anthony Pascuto before the House Committee on the Judiciary, June 4, 1991, pp. 18-20, 26-29, 47. Also, Proctor of Anthony Pascuto provided to the Senate Permanent Subcommittee on Investigations, July 15, 1988, pp. 1-2.

227. In a sworn statement with committee investigators on April 24, 1991, Mr. Stanton denied that he wanted INSLAW converted, but stated that he called Judge Blackshear to request Mr. Jones about handling the INSLAW bankruptcy because of his experience in bankruptcy cases.

Continued

leave lingering questions in the minds of some who have closely followed the investigation about whether documents may have been destroyed.³²¹

The question of unauthorized destruction of Government documents again came up recently when the committee received information from Ms. Lois Battistoni, a former Justice Department employee, that Department employees were involved in the illegal destruction (shredding) of documents related to the INSLAW case. This matter has not been investigated by the committee.³²²

D. DEPARTMENT INTERFERES WITH MICHAEL RICONOSCUTO'S SWORN STATEMENT TO THE COMMITTEE—REFUSES REQUEST TO INTERVIEW DEA AGENTS

In March 29, 1991, Mr. Riconoscuto was arrested by DEA special agents for possession and distribution of a controlled substance. It is important to stress that Riconoscuto began cooperating with the Hamiltons and provided the committee with information about the alleged conspiracy by the Justice Department to steal INSLAW's PROMIS software well before the time of his arrest.

The Department interfered with committee attempts to obtain information from Mr. Riconoscuto. Following Mr. Riconoscuto's arrest, the committee contacted his attorney, John Rosellini, to request that the committee be given permission to interview his client. On April 1, 1991, arrangements were made to conduct the interview with Mr. Riconoscuto. Facilities for a private interview were made available by the Kitsap County chief jailer, Larry Berthoff, for the committee interview of Mr. Riconoscuto, which was to be conducted on April 4, 1991.

During the negotiations with Mr. Riconoscuto's attorney, the Department called the committee and advised that, if the interview was to be conducted at all, it would be held at the U.S. Court House in Seattle, WA. Prior to commencing the interview of Mr. Riconoscuto, the Department attorney handling Mr. Riconoscuto's prosecution was asked by committee investigators to provide a sworn statement that the committee's interview of Riconoscuto would not be monitored or recorded by the Department. The Department attorney refused to provide the statement, advising that he would not under any circumstances agree to such a request. He stated that it was not Department policy to record private conversations held between clients and their attorney, and he considered the committee as being in the same category.

Following Mr. Riconoscuto's sworn statement, the committee asked for permission from the Department to interview the DEA arresting agents. This request was critical because Mr. Riconoscuto had alleged that a tape recording of a conversation between him and a Justice Official (Mr. Peter Videnieks) was confiscated by DEA agents at the time of his arrest. This tape allegedly shows that Mr. Videnieks threatened Mr. Riconoscuto with

retribution if he talked to the Judiciary Committee investigators. As has been the practice throughout this investigation the Department refused to cooperate with the committee's request, using the justification that Mr. Riconoscuto's prosecution was an ongoing investigation. The Department has also refused to allow the committee access to its investigative files on Mr. Riconoscuto.

Since his arrest, Mr. Riconoscuto has been convicted of the drug related charges, and he is currently imprisoned. Although this incident diminishes his credibility as a witness, the timing of the arrest, coupled with Mr. Riconoscuto's allegations that tapes of the telephone conversation he had with Mr. Videnieks were confiscated by DEA agents, raises serious questions concerning whether the Department's prosecution of Mr. Riconoscuto was related to his cooperation with the committee. As described in other sections of this report, the committee received sworn testimony and recovered documents which support aspects of Mr. Riconoscuto's story, and ties Mr. Riconoscuto, Dr. Brian, and an individual named Robert Booth Nichols to U.S. intelligence agencies and in the case of Mr. Nichols, possibly, organized crime.

E. DEPARTMENT OFFICIAL MAY HAVE ATTEMPTED TO INFLUENCE A KEY WITNESS

During the sworn statement of FBI Special Agent Thomas Gates on March 25, 1992, he and his attorney, Richard Bauer, stated that Ms. Faith Burton from the Department's Office of Congressional Affairs had told them that the committee, as a matter of policy, provided the Department with copies of all depositions taken in the INSLAW investigation. The clear implication was that the Department would know everything that had been said by Special Agent Gates in his sworn testimony. It was apparent that this lack of confidentiality concerned Special Agent Gates' attorney and this may have had a chilling effect on Special Agent Gates' testimony to the committee. Special Agent Gates and his attorney were informed that the committee policy in fact prohibited giving copies of the confidential sworn statements to anyone but the person who gave the statement or to that person's attorney.³²³

On March 26, 1992, committee investigators met with Ms. Burton to discuss this issue. Ms. Burton stated that the allegations made by Special Agent Gates and his attorney were "totally false," and that it didn't make any sense because she "knew the policy that the Department didn't get the transcripts." Ms. Burton stated and attributed the misunderstanding to their long flight. Committee investigators asked Ms. Burton if she said anything to imply directly or indirectly that the Department received or reviewed copies of the committee's sworn statements, she responded "absolutely not."

On March 26, 1992, Special Agent Gates and his attorney were informed of Ms. Burton's response and Special Agent Gates was

³²¹ The chairman's July 31, 1991, statement before the House Subcommittee on Economic and Commercial Law.
³²² As mentioned before, Lois Battistoni is a former Department of Justice Criminal Division employee.

³²³ Confidential statements such as Special Agent Gates' are not made available or released in any manner. However, other types of sworn statements may be included in the printed record.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

Motion RE: VARIOUS

Date: 01/03/05 Time: 1:30 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff L. PHILLIPS

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant proceeds in Propria Persona.
Present with 2nd Chair Counsel P. Cozens.

Counsel argue as put forth on the record
regarding the jurisdiction of Count Four (IV)
and discovery such as 02-26-04 interview tape
of Susan Hamlin.
Defense also has an issue to be brought outside
of the People's presence.
The People reply as follows; there is no video
tape of the Susan Hamlin interview on 02-26-04
only an audio tape and transcript - and those have
already been provided to Defense.

At request of Defense - the Court directs the
People to determine if charges were filed against
Susan Hamlin and what happened if any charges?

Counsel discuss / argue the issue of rap sheets
for prosecution and defense witnesses.
The Court directs the People to turn over rap
sheets to the Court and they will be examined in
camera - and the Court will divulge information
to the Defense - if necessary.
The People inform the Court that Defense did
not provide phone numbers of defense witnesses
so the People did not have date of births for
the witnesses to be able to run rap sheets.
Defense will now provide phone numbers of
defense witnesses to the People.

Re: the audio tape interview on 04-30-04 with
Cozens by Det. Strasser: the People have

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

discovered it and there is no transcript.
A transcript will be produced if the tape is
going to be used.

The People have provided copies of all photos
to Defense.

Defense requests a list of victim/witness funds
dispersed to Susan Hamlin as he believes the
funds ally her with the county.
After argument; the Court orders the People to
provide this information to the Court and reserves
on relevance.

Re: Defense motion for daily transcripts: the
Court does not see the need at this time except
maybe certain segments of witness testimony etc
if requested and approved.

As to the jurisdiction issue of Count Four (IV):
Atty. Cozens requests the Court decide re: Count
Four today because the preliminary exam. was
waived etc.

Discussion and argument as on the record.
Cozens informs the Court he has tapes of his
interviews with the boys (Hamlin children) and
Det. Strasser has copies - although the People
have not heard the tapes.
The Court determines that Count Four (IV)
may need a 402 E. C. Hearing to decide.

Oral motion on behalf of Defense Cozens regarding Amended
Complaint

Motion to deem the Amended Complaint the
Information and cancel the Information.
Motion joined by Defendant and People.
Motion is GRANTED.

Oral motion on behalf of Defendant regarding approval to bring
federal witness

The Defendant moves to have a federal prisoner
Michael Riconosciuto transported here as a
Defense witness from Massachusetts.
Argument from Counsel.

The Court cannot rule yet without further infor-
mation and needs to read Police reports etc. first

The Defendant informs the Court that he also
received new information from his investigator
during Christmas vacation.

The Court reminds the Defendant of discovery rules
The Defendant states there may be a need to
continue the trial a few weeks - argument by cnsl.
Discussion as to witness statements.

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

Court recesses at 1457; reconvenes at 1515.
All present as before.
Oral motion on behalf of Defense regarding continue jury trial
Other issues discussed before ruling.
The Defendant will mail his brief on the "Indio
Issue" tomorrow.

At 15:30 p.m. in-camera hearing held in the courtroom.
All parties except court staff and the Defendant
and 2nd Chair Counsel Cozens step out of the
courtroom.
The Court orders the Court Reporter's transcript
of this in-camera hearing sealed and not opened
except by Court order.

At 15:45 p.m. open court reconvenes now with all present
The Defendant re-states his request re: minor
child.
Counsel argue as put forth on the record.
The Court notes that media are present: a
reporter from the Mt. Democrat newspaper and
a reporter from Chanel 13 News.
Each of them commits to not including anything
in their report re: the minor.
The Court rules on the Defendant's motion that
the Defendant will have to bring a written motion
and serve the child's attorney (same attorney as
in the 300 W&I proceeding) and will need a hearing
and the hearing will be confidential.

Oral motion on behalf of Defense regarding to vacate jury trial
The People object to a continuance of the jury
trial set for tomorrow.
Motion is GRANTED.
JT hearing set for 01/04/2005 at 9:30 is ordered vacated.

Hearing RE: Motions and Trial Setting set for 01/14/2005 at
13:30 in Department 2.

The People request notes from Defense Investi-
gators.
The Defendant says the notes were destroyed after
being typed up.
Also the People have prepared a questionnaire and
the parties agree to look at.

CUSTODY STATUS
Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

cc: DIST ATTY / P. COZENS ESQ.
RICHARD HAMLIN C/O JAIL
=====MINUTE ORDER END=====

ORIGINAL

EL DORADO CO. SUPERIOR CT.

Richard Hamlin
Pro-Per
300 Forni Rd.
Placerville, CA 95667

FILED 1-3-05

BY Shelly M. Wauer
Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ELDORADO

PEOPLE OF THE STATE OF CALIFORNIA

CASE NO. PO4CRF0132

Plaintiff,

Motion for DISCOVERY

v.

RICHARD HAMLIN,

Date: January 3, 2004

Defendant.

Time: 1:30 pm

Dept: 2

REQUEST

Defendant, having made numerous informal discovery requests, now seeks the court to order the prosecution to discover the following items necessary to the Defendant's preparation for jury trial.

1.) The 2/26/04 video tape of Susan Hamlin's statement to the Eldorado County Sheriffs.

The defense has asked on numerous occasions for this tape by letter and in court.

2.) The disposition of Susan Hamlin's fraudulent check case and the warrant which was issued. The offense took place in Eldorado County.

3.) The RAP sheets of the prosecution witnesses.

4.) The taped conversation and transcript of Susan Hamlin, Phil Cozens, Vicki Ashworth and Det. Strasser on 4/30/04

5.) Any reports connected with Call for Service #02222004-0011 Also needed is the identity of the driver of the vehicle with paper Modesto license plates which was stopped by the officer responding to the service call.

- 1
- 2 6.) A listing of any and all benefits Susan Hamlin has
- 3 recieved from ElDorado County since my arrest. For
- 4 example, victim witness funds etc.
- 5 7.) All follow up reports on either prosecution or defense
- 6 witnesses
- 7 8.) RAP sheets of all defense witnesses
- 8 9.) A copy of all photos intended to be introduced by the
- 9 prosecution

10 The defense has attatched a copy of the informal requests

11 made by the defense requesting these items.

12 The defense is requesting one additional item of discovery,

13 specifically the court's order to have this item produced.

14 The defense believes that the request is properly made

15 outside the precense of the prosecution .

16 Dated; 12/31/04

17 Respectfully submitted,

18 _____

19 Richard Hamlin

20 Acting in Pro-Per

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December 15, 2004

Ms. Ashworth,

I have not Received anything From my Discovery
Request made on 11/20/04, see attached.

IF you could get that to me this week
I would Be very grateful.

Have a Merry Christmas.

Richard Hamlin

November 20, 2004

Ms. Ashworth,

In preparing for the Jury Trial, two additional matters have come up.

1.) See Encl. Call For Service # 02022004-0011

Reported a vehicle w/ paper Models photos -

Could we please get any additional info on this contact from the OFFICER. Specifically, did he ID the Driver?

2.) All Rap sheets, Felony Convictions, Miss arrests/convictions pursuant to whether of your witnesses.

Specifically as to Steven Richards Siemsen 2/2/33

His Rap needs to be run in Oregon as well as

Calif. We understand he has a couple matters in Oregon.

3.) Susan Hamlin had no ^{notice} ~~request~~ For Bond checks in El Dorado County - what was the Dispo? Was the Dispo part of Favorable Treatment in line of Her testimony?

Thank you

Richard Hamlin

November 8, 2004

Ms. Ashworth,

In speaking with Phil, I discovered that he does not have a copy of Susan's 3/10/04 video. I thought he had it, but he does not. He does have the 3/10/04 statement by Susan. As that is of the utmost importance to my Defense, I would appreciate a copy delivered to the Jail, as soon as possible.

Further, neither of us have the audio/video recordings of Phil's meeting w/ you & Susan & my meeting w/ you & Detectives Strasser & Hargrave. Please document those items as well.

Thank you

For your attention to these matters;

Richard Harkin

Ms. Ashworth,

July 9, 2004
Friday

I am Requesting the Following Discovery;

- 1.) Susan Hamlin's Audio Statement of 2/5/04 & Her Video Statement of 2/26/04 in Transcribed Form. Please note we ARE within 30 Days OF Trial
- 2.) All photographs of the Victims injuries
- 3.) Top Sheets of all witnesses listed on your witness list, Received By me on 7/9/04.
- 4.) Copies of all Evidence, including Books, all photos & any other piece of Evidence stored in the various searches of my home & vehicles. IF you Donot intend on using a piece of Evidence, ie the Books, I would Ask you to Release them to me, as you would have no legal Basis for continued possession. IF Possession will continue by your Office I want copies.
- 5.) I need a copy of all video & audio Tapes Delivered to me Here, at the Jail.

Please Be ADVISED, that all Discovery, Communication & OFFERS Be Directed to me only.

I have Received your OFFER OF 12 years From Phil. Please Be advised that OFFER is Rejected. IF a Dismissal occurs Before 7/27/04 I will Stipulate to Probable Cause, thus saving this County yet another lawsuit. I will not Stipulate AFTER 7/27.

I have a Feeling, you Really Do not know your Case or your alleged Victim. Simply put she is not credible & is mentally unstable. We could sit Down (with Protective glass Between us) & Talk about your Case. Give me an Hour to Convince you. I Am innocent OF these charges. I Am the same Man that has Honored his Profession For 18 years.

Thank you

Richard Hamlin

FOSTER AND COZENS
ATTORNEYS AT LAW
1001 6TH STREET, SUITE 400
SACRAMENTO, CALIFORNIA 95814
(916) 443-1504

PHILIP COZENS
GREGORY FOSTER

March 8, 2004

Vicki Ashworth, Esq.
Deputy District Attorney
District Attorney's Office
515 Main Street
Placerville, CA 95667

Re: People v. Richard Hamlin

Dear Ms. Ashworth:

Please consider this letter as my informal request pursuant to **Penal Code Section 1054.5(b)** that you provide discovery to me as mandated by **Penal Code Section 1054.1**. I noticed from reading the original discovery, there are a number of items mentioned in the report that I did not receive in the original discovery package.

I would like you to provide the following:

- 1) Any tape-recorded or video recorded statement from any witness, including the MDIC tapes from the children;
- 2) All photographs;
- 3) The written results of any analysis of the materials recovered from the victim's car and house as well as copies of the lab notes;
- 4) copies of the police reports for any law enforcement call to Defendant's house on Beatty Drive; and
- 5) Records of felony convictions and misdemeanors involving moral turpitude for any witness in the case.

Please provide me with the following types of generic information as required by **Penal Code Section 1054.1**:

- a) The names and addresses of the persons you expect to call as witnesses at trial--I believe that you should include: i) the names and addresses of the witnesses who were involved in the investigation; and ii) the names and addresses of the persons involved in the subsequent investigative interviews.
- b) All of my client's statements; specifically, if there are tape recorded or video recorded statements obtained from my client, I would like copies of all such recorded statements and all such written reports;

c) Reveal the existence of all real evidence seized by the investigating officers or otherwise obtained during the investigation; on March 5, 2004, I walked through my client's house on Beatty, I found a card written by Susan Hamlin, I would like a copy of that card and any other writings by her discussing any aspect of her personal life or life with Defendant. I would like a copy of the booking photo taken of my client on the date of his arrest;

d) Reveal the existence of a felony conviction or conviction of a crime of moral turpitude (pursuant to People v. Wheeler, (1992) 4 Cal. 4th 284; ___ Cal. Rptr. 2d ___) *for any potential witness; this includes whether the witness was on juvenile probation at any time*, see Davis v. Alaska, 415 U. S. 308; 39 L. Ed. 2d 347; 94 S. Ct. 1105; (1974) [Sixth Amendment Right to confront and cross-examine requires that the prosecution reveal the fact that a witness is on juvenile probation] (there is an affirmative duty to seek and discover prior convictions. People v. Little, (1997) 59 Cal. App. 4th 426; ___ Cal. Rptr. 2d ___).

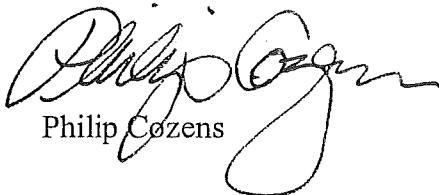
e) Provide any exculpatory evidence as mandated by the constitution of the United States. In that regard, the following types of information are mandated by the Constitution: A criminal defendant is entitled to the government's disclosure of all information favorable to defendant where such evidence is material either to guilt or to punishment or reduction in penalty. Brady v. Maryland, 373 U.S. 83 87-88; 10 L. Ed. 2d 215; 83 S. Ct. 1194 (1963) [suppression of co-defendant's confession to murder was denial of due process]. As you well know, impeachment evidence as well as exculpatory evidence comes within the Brady requirement for disclosure. United States v. Bagley, 473 U. S. 667, 676; 87 L. Ed. 2d 481; 105 S. Ct. 3375 (1985) [suppression of government agreements and payments to a material witness for information and testimony violated due process]; Bagley v. Lumpkin, 798 F. 2d 1297, 1302 (9th Cir., 1986) and United States v. Polizzi, 801 F. 2d 1543, 1553 (9th Cir., 1986);

f) Provide all written or recorded statements of witnesses or reports of statements of witnesses who you intend to call as witnesses at trial; specifically I would like copies of all tape recordings and any transcripts of such tape recordings;

g) Provide all written statements or reports of expert witnesses regarding their relevant opinions on the facts of the case or the evidence in the case, including the results of their physical examination of the evidence, their scientific tests of the evidence, their experiments or comparisons which you intend to produce in evidence in the trial.

I know that you have provided the police reports in this matter to me, and for that, I am thankful, however I would specifically like these few other items. Thank you for your cooperation.

Sincerely,



Philip Cozens

MEDIA AGENCY (name): CHANNEL/FREQUENCY NO.: PERSON SUBMITTING REQUEST (name): ADDRESS: <div style="text-align: center; margin-top: 10px;"> KOVR - 13 2713 KOVR DRIVE WEST SACRAMENTO CA 95605 TELEPHONE NO.: </div>	FOR COURT USE ONLY
Insert name of court and name of judicial district and branch court, if any: <div style="text-align: center; margin-top: 5px;"> <i>EL DORADO Superior CT.</i> <i>Placerville</i> </div>	
TITLE OF CASE: <div style="text-align: center; margin-top: 5px;"> <i>People vs. Richard Hamilton</i> </div>	
NAME OF JUDGE: <div style="text-align: center; margin-top: 5px;"> <i>EDDIE T. KELLER</i> </div>	
ORDER ON MEDIA REQUEST TO PERMIT COVERAGE	CASE NUMBER: <div style="text-align: center; margin-top: 5px;"> <i>P04CRF0132</i> </div>

AGENCY MAKING REQUEST (name):

1. a. ☐ No hearing was held.
 b. ☒ Date of hearing: *Monday 1-3-05* Time: *1:30* Dept./Div.: *2* Room:
 2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 980 (see reverse).
 3. ☐ THE COURT FINDS (findings or a statement of decision are optional): ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
- a. ☒ **denied.**
- b. ☐ **granted** subject to the conditions in rule 980, California Rules of Court, AND the following:
- (1) ☐ The local rules of this court regulating media activity outside the courtroom (copy attached).
 - (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom (copy attached).
 - (3) ☐ Payment to the clerk of increased court-incurred costs of (specify): \$ ☐ to be determined.
 - (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 980, and any local rule or order.
 - (5) ☐ Personnel and equipment shall be placed ☐ as directed ☐ as indicated in the attachment ☐ as follows (specify):
 - (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
 (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
 - (7) ☐ This order
 (i) ☐ shall not apply to allow coverage of proceedings that are continued.
 (ii) ☐ shall apply to allow coverage of proceedings that are continued.
 - (8) ☐ Other (specify):
5. Coverage granted in item 4b is permitted in the following proceedings:
- a. ☐ All proceedings except those prohibited by California Rules of Court, rule 980, and those proceedings prohibited by further court order.
- b. ☐ Only the following proceedings (specify type or date or both):

6. ☐ The order made on (date): is ☐ terminated ☐ modified as follows (specify):

7. ☐ Number of pages attached:

Date:

1-3-05

Eddie Keller

JUDGE

(See reverse for additional information)

MEDIA AGENCY (name): KOVR - 13 CHANNEL/FREQUENCY NO.: 2713 KOVR DRIVE PERSON SUBMITTING REQUEST (name): WEST SACRAMENTO ADDRESS: CA 95605 TELEPHONE NO.:		FOR COURT USE ONLY CASE NUMBER: P04CRF0132
Insert name of court and name of judicial district and branch court, if any: EL Dorado Superior Ct PLACERVILLE CA		
TITLE OF CASE: People vs. Richard Hamilton		
NAME OF JUDGE: Hon. Eddie T. Keller		
MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST		

1. PORTION OF THE PROCEEDINGS TO BE COVERED (e.g., particular witnesses at trial, the sentencing hearing, etc.):

HEARING

2. DATE OF PROPOSED COVERAGE (specify): **1-3-05** (File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance):

130P

3. TYPE OF COVERAGE:

- a. ☒ TV camera and recorder
 b. ☐ Still camera
 c. ☐ Motion picture camera

- d. ☒ Audio
 e. ☐ Other (specify):

4. ☐ SPECIAL REQUESTS OR ANTICIPATED PROBLEMS (specify):

NONE

5. ☐ INCREASED COSTS. This agency acknowledges that it will be responsible for increased court-incurred costs, if any, resulting from this media coverage (estimate): \$
☐ Amount unknown **NONE**

6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC-510 is attached (required by Cal. Rules of Court, rule 980(e)(1)).

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 980, the provisions of the court order, and any additional restrictions imposed by the court.

Date:

MARVIN SIMMONS
 (TYPE OR PRINT NAME)

Marvin Simmons
 (SIGNATURE)

ASSIGNMENT EDITOR.
 (SUPERVISORY POSITION IN MEDIA AGENCY)

Telephone No.: **(916) 374-1301**

NOTICE OF HEARING (A hearing is optional.)

A HEARING will be held as follows:

Date:	Time:	Dept./Div.:	Room:
Address of the court:			

Clerk, by _____, Deputy

CASE NAME:

People vs. Richard Hamilton

CASE NUMBER:

PO4CR FO132

FACTORS CONSIDERED BY THE JUDGE IN MAKING THIS ORDER (Rule 980(e)(3))

1. Importance of maintaining public trust and confidence in the judicial system
2. Importance of promoting public access to the judicial system
3. Parties' support of or opposition to the request
4. Nature of the case
5. Privacy rights of all participants in the proceeding, including witnesses, jurors, and victims
6. Effect on any minor who is a party, prospective witness, victim, or other participant in the proceeding
7. Effect on the parties' ability to select a fair and unbiased jury
8. Effect on any ongoing law enforcement activity in the case
9. Effect on any unresolved identification issues
10. Effect on any subsequent proceedings in the case
11. Effect of coverage on the willingness of witnesses to cooperate, including the risk that coverage will engender threats to the health or safety of any witness
12. Effect on excluded witnesses who would have access to the televised testimony of prior witnesses
13. Scope of the coverage and whether partial coverage might unfairly influence or distract the jury
14. Difficulty of jury selection if a mistrial is declared
15. Security and dignity of the court
16. Undue administrative or financial burden to the court or participants
17. Interference with neighboring courtrooms
18. Maintaining orderly conduct of the proceeding
19. Any other factor the judge deems relevant

PROHIBITED COVERAGE (Rule 980(e)(6))

This order does *not* permit photographing, recording, or broadcasting of the following in the court:

1. The jury or the spectators
2. Jury selection
3. A conference between an attorney and a client, witness, or aide
4. A conference between attorneys
5. A conference between counsel and the judge at the bench ("sidebars")
6. A proceeding closed to the public
7. A proceeding held in chambers

MEDIA PERSONNEL AND EQUIPMENT (Rule 980(e)(7))

NOTE: These requirements apply unless the judge orders otherwise. Refer to the order for additional requirements.

1. No more than one television camera
2. No more than one still photographer
3. No more than one microphone operator and no obtrusive microphones or wiring
4. No operator entry or exit or other distraction when the court is in session
5. No moving equipment when the court is in session
6. No distracting sounds or lights
7. No visible signal light or device that shows when equipment is operating
8. No disruption of proceedings, nor public expense, to install, operate, or remove modifications to existing sound and lighting systems
9. No media agency insignia or marking on equipment or clothing

SANCTIONS FOR VIOLATING THIS ORDER (Rule 980(f))

Any violation of this order or rule 980 is an unlawful interference with the proceedings of the court. The violation may result in an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions.

1 GARY L. LACY
District Attorney
2 El Dorado County
515 Main Street
3 Placerville, California 95667
Telephone: (530)621-6472
4

5 Attorneys for Plaintiff
6

EL DORADO CO. SUPERIOR CT.

FILED 12-22-04
BY J. Cottonham
Deputy

7 IN THE EL DORADO COUNTY SUPERIOR COURT

8 STATE OF CALIFORNIA

9 THE PEOPLE OF THE STATE
OF CALIFORNIA,
10 Plaintiff,

11 vs.

12
13
14 RICHARD W. HAMLIN,
Defendant.
15

No. P04CRF0132

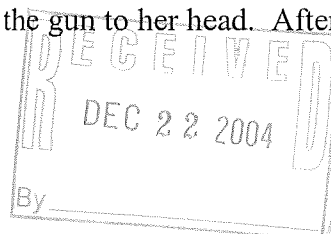
RESPONSE TO DEFENSE
MOTION FOR O.R. RELEASE
DUE TO SPEEDY TRIAL RIGHT
VIOLATION

Hearing: January 3, 2005
Time: 1:30 p.m.
Department: 2

16 STATEMENT OF RELEVANT FACTS

17 On or about the date alleged on Count Four in the Information, the defendant left his
18 home in El Dorado Hills with the victim as well as two witnesses, Alec and Ryan. When he left
19 the home, there was at least one gun in his possession and the defendant had told both Alec and
20 Ryan to bring their paintball and/or airsoft guns with them. The purpose of the outing was to
21 find and bring harm to two witnesses in this case whom the defendant claims are part of a satanic
22 cult. During the drive, the defendant hit the victim and pistol-whipped her at least onetime in the
23 vehicle.

24 At one point, while in Roseville (Placer County), the defendant stopped the vehicle and
25 got out with his gun and told the victim to get out, leaving the boys in the vehicle. The defendant
26 then walked the victim out to a field where he hit her and put the gun to her head. After some
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EK

1 time, the defendant and victim returned to the vehicle and drove home.

2 EL DORADO COUNTY HAS PROPER JURISDICTION IN THIS CASE

3 Penal Code section 781 provides that: "When a public offense is committed in part in one
4 jurisdictional territory and in part in another, or the acts or effects thereof constituting or requisite
5 to the consummation of the offense occur in two or more jurisdictional territories, the jurisdiction
6 of such offense is in any competent court within either jurisdictional territory."

7 This section has long been interpreted as a "remedial" statute and has been "liberally
8 construed." (*People v. Chapman* (1977) 72 Cal.App.3d 6, 11; *People v. Hernandez* (1976) 63
9 Cal.App.3d 393, 398.) Penal Code section 781 was "intended to broaden criminal jurisdiction
10 beyond the rigid limits fixed by the common law in cases of crimes committed in more than one
11 jurisdiction." (*People v. Powell* (1967) 67 Cal.2d 32, 63; *People v. Bismillah* (1989) 208
12 Cal.App.3d 80, 85.) It should be interpreted in a common sense manner with due regard to the
13 factual circumstances of the case rather than to technical niceties. (*People v. Williams* (1973) 36
14 Cal.App. 3d 262, 268.)

15 The case law makes clear that an offense may properly be prosecuted in a county in which
16 "preliminary arrangements" for the crime are made, although the acts do not constitute an
17 essential element of the completed crime or an attempt. (*People v. Douglas* (1990) 50 Cal.3d
18 468, 493-494; *People v. Powell, supra*, 67 Cal.2d at p. 62; *People v. Abbott* (1956) 47 Cal.2d
19 362.) The conduct involved is that which necessarily leads up to, or is "requisite" to, the
20 commission of the offense. (*People v. Simms* (1956) 144 Cal.App.2d 189, 197.)

21 The general rule that has developed from the cases is that "criminal acts occurring during
22 the commission of a single transaction may be prosecuted in any county *affected by the*
23 *transaction*, regardless of where the essential elements of any crime involved in such acts
24 occurred." (*People v. Hernandez, supra*, 63 Cal.App.3d at p.403, emphasis added.) Thus, venue
25 may lie in a county where only the preliminary acts leading to the commission of a crime occur
26 even though such acts do not constitute an element of the charged crime. (*People v. Bismillah,*
27
28

1 *supra*, 208 Cal.App.3d at p.85.)

2 In this case, it is evidence that preliminary arrangements were made by the defendant
3 when he left his home in El Dorado Hills (El Dorado County). When he left, he brought at least
4 one firearm with him and advised the boys to bring their own “weapons” as well. Before
5 leaving, the defendant also arranged to have a neighbor watch his two daughters so they would
6 not be present.

7 The commission of the offense listed in Count Four involved the use of the firearm in
8 threatening the victim as well as instilling fear in the victim regarding her safety. Based on the
9 facts before us as well as relevant case law, it is clear that El Dorado County is the property
10 jurisdiction.

11 Additionally, Penal Code section 783 provides in relevant part that:

12 When a public offense is committed in this State, . . . , or on a railroad train or
13 car, motor vehicle, . . . , the jurisdiction is in any competent court, through, on, or
14 over the jurisdictional territory of which the vessel, . . . , motor vehicle, . . .
passes in the course of its voyage or trip, or in the jurisdictional territory of which
the voyage or trip terminates.

15 At least one part of the crime in Count Four occurred while the defendant was driving the
16 vehicle (hitting the victim which made her fear for her safety). Under Penal Code section 783,
17 jurisdiction is properly established in any jurisdiction through which the vehicle passes or where
18 the trip terminates. In our case, the trip began and ended in El Dorado County, therefore
19 establishing jurisdiction.

20 //

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1 CONCLUSION

2 Based on the foregoing arguments, the People respectfully request that the Court deny the
3 defense motion.

4
5 December 22, 2004

Respectfully submitted:

6 GARY L. LACY
7 District Attorney

8 VICKI L. ASHWORTH
9 Deputy District Attorney
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PROOF OF SERVICE

STATE OF CALIFORNIA)
)
County of El Dorado)

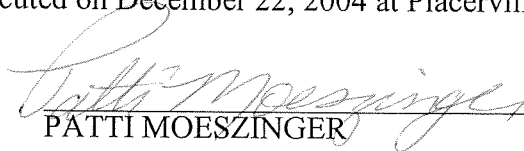
DOCKET #: P04CRF0132

DA # 04-03-001499-1

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667

On December 22, 2004 I served the within RESPONSE TO DEFENSE MOTION FOR O.R. RELEASE DUE TO SPEEDY TRIAL RIGHT VIOLATION on the parties in said action, by faxing a true copy thereof to PHIL COUSINS at fax number 916-443-1511 and RICHARD HAMLIN at fax number 626-9472.

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.
Executed on December 22, 2004 at Placerville, California.


PATTI MOESZINGER

EL DORADO CO. SUPERIOR CT.

FILED

Dec. 16, 2004

BY S. Dahlgren
Deputy

DEFENSE WITNESS LIST

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- 1.) Linda K. Provost 832 Clay St. Manchester
DOB 12/4/56 N.H. 03103
- 2.) Sacramento Sherriff's Deputy
T. Taylor #801 SSD Sacramento CA 95814
rpt# 99-17553
- 3.) Mark Steenberg 616 Iris Ct. Crystal Lake
Ill. 60014
- 4.) Kim Dubach 3075 Hawaii Court
West Sacramento 95691
- 5.) Ted Gunderson 750 Royal Crest Circle #258
Investigator Las Vegas 89109
- 6.) Frank Hichey PO Bpx 1084 Carmichael
95609-1084
- 7.) Dr. Colin Ross 1701 Gateway #349 Richardson
Texas 75080
- 8.) Susan Wilson 930 N.W. 86 Ave Portland
Oregon 97229
- 9.) Lora L. Anthony 2016 Parton Lane Arcata
95521
- 10.) Rita Haggerty 287 Muse Dr. EDH 95762
- 11.) Chris Redd 8714 W. Progress Place
Littleton Colorado 80123
- 12.) Michael Riconsciuto FMC Devens Ayer, Mass.
01432

Witness List

- 13.) GLEN Siemer 672 N. Burl Chris 93612
- ✓ 14.) Michael K. AAL 7352 Perlman Dr. Sanger
- ✓ 15.) Brent Siemer 531 K St. EUREKA 95501
- 16.) Jon Conklin 1130 N. Homsey Ave. Chris
- ✓ 17.) DARAL Kennedy 879 E. Country View Fresno ⁹³⁷²⁰
- 18.) JENNIFER Hamilton 1306 E. Thompson Ave Tulare ⁹³²⁷⁴
- 19.) Jim Van Cleave 1910 River Rd. Fulton CA ⁹⁵⁴³⁹
- 20.) Ron Short 2716 King George Ct. EDH ⁹⁵⁷⁶²
- ? 21.) Don HOLBROOK 653 E. Pintail Circle
Fresno 9370-0807
- 22.) George Wayne Reeder The View Condominiums
600 E. Admiral Blvd.
Kings City 64106
- 23.) Colleen Bartell 3396 Betty Dr. EDH ⁹⁵⁷⁶²

24.) Sidney Siemer

2882 W. Locust Fresno

25.) Layne Siemer

364 Chestnut Hill R.D.
New Boston N.H. 03070

26.) Les Siemer

7777 Borrego Ave.
#52 Sebastopol 95472

27.) Karen Bratcher

(559) 602-9670

28.) Alvin Coulter

406 West Mill St.

Jim Lawson

Ukiah 95482

29.) Nancy Vallenti

6850 Tahiti Dr.

Cypress 90630

30.) Miss Eikenberry

Silva Valley Elmont

Mike Fields

El Dorado Hills

Patty Pope

31.) Marcel Matley
Document Examination

P.O. Box 882401

San Francisco 94188

32.) Dr. David Ruckin

P.O. Box 2419 Homer

AK 99603

N 33.) Kathie DeBord

3900 Park Dr. EOH 95762

34.) Dr. David Stewart

3000 L St. Suite 200 Jrc 95814

35.) Alce Junior High Teachers

Mr. Mac

Ms. Gulns

Ms. Fisher

Philip Cozens, State Bar Number 84051
1001 Sixth Street, Suite 400
Sacramento, CA 95814

Telephone: (916) 443-1504

Attorney for Defendant Richard Hamlin

FILED

04 DEC 10 PM 3:30

EL DORADO COUNTY
SUPERIOR COURT

By Stowe DEPUTY

CMS

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF EL DORADO

PEOPLE OF THE STATE OF CALIFORNIA,	)	CASE NO. P04CRF0132
)	
Plaintiff,	)	MOTION TO DISMISS FOR
	)	LACK OF JURISDICTION
v.)	
	)	Date: January 3, 2005
RICHARD HAMLIN,	)	Time: 1:30 p.m.
	)	Dept.: 2
Defendant.)	

INTRODUCTION

Defendant seeks an order from the court, dismissing Count Four of the information in this case for lack of territorial jurisdiction.

Defendant is entitled to such an order from the court because the criminal activity if any for Count Four, occurred in Placer County.

STATEMENT OF FACTS

According to the police reports generated in this case, on February 11, 2004, Defendant, victim Susan Hamlin, witnesses Ryan Hamlin and Alec Hamlin drove in their van from El Dorado County to Roseville-Granite Bay area in Placer County to deliver a letter to witness Lisa Clum and to confront Lisa Clum's husband Rock Clum.

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1 According to the witnesses Ryan and Alec Hamlin, there were no threats or batteries on
2 the victim Susan Hamlin until the van drove to Roseville-Granite Bay area in Placer County.
3 According to the witnesses, while in Placer County, Defendant became frustrated with the
4 victim Susan Hamlin because Defendant perceived that she was not cooperating with the
5 directions to the Clum house. Defendant stopped the van in a business area in the Roseville-
6 Granite Bay area; told the victim to get out of the van; and took her into a darkened field. In
7 the field, according to the victim, Defendant threatened her with injury. Such threat occurred in
8 Placer County.
9

10 11 LAW AND ARGUMENT

12 EL DORADO COUNTY SUPERIOR COURT HAS NO TERRITORIAL 13 JURISDICTION OVER THIS OFFENSE WHICH ALLEGEDLY 14 OCCURRED IN PLACER COUNTY AND NOT WITHIN FIVE 15 HUNDRED YARDS OF THE COUNTY LINE.

16 **Penal Code Section 691(b)** defines the jurisdictional territory of a superior court as the
17 county in which the court sits. Generally, the court has no jurisdictional over criminal cases
18 that occur outside of the court's county. There are exceptions to the general rule.

19 **Penal Code Section 781** is such an exception and states as follows:

20 "When a public offense is committed in part in one jurisdictional territory and in
21 part in another, or the acts or effects thereof constituting or requisite to the
22 consummation of the offense occur in two or more jurisdictional territories, the
jurisdiction of such offense is in any competent court within either jurisdictional
territory."

23 **Penal Code Section 781** grants additional territorial jurisdiction over criminal cases
24 that occur outside the county but where preliminary arrangements for the criminal act occur in
25 the county. **People v. Tabucchi**, (1976) 64 Cal. App. 3rd 133, 140-141; 134 Cal. Rptr. 245. In
26 several cases, the court have held that jurisdiction is proper where *defendant* did some act of
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1 preparation in the county where the trial occurred although the criminal acts occurred
2 elsewhere. [People v. Douglas, (1990) 50 Cal. 3rd 468, 492-494; 268 Cal. Rptr. 126, defendant
3 met murder victims, arranged for the victims to accompany defendant to San Diego for a
4 photography shoot and then met the victims in Orange County to transport the victims to San
5 Diego County where defendant murdered the victims. The appellate court held that Orange
6 County had territorial jurisdiction.); People v. Campbell, (1991) 230 Cal. App. 3rd 1432, 1444-
7 1445; 281 Cal. Rptr. 870 (planning a robbery in San Diego County which was executed in San
8 Bernardino County conferred territorial jurisdiction on San Diego County.); People v. Price,
9 (1989) 210 Cal. App. 3rd 1183, 1190-1192; 259 Cal. Rptr. 282; (co-conspirators negotiated the
10 sale of cocaine in Orange County with the delivery in Los Angeles County. Appellate Court
11 found that Orange County had territorial jurisdiction.); People v. Kellett, (1982) 134 Cal. App.
12 3rd 949, 955-957; 185 Cal. Rptr. 1 (in Kern County, defendant and the informant planned the
13 theft of truckloads oil from a field in Tulare County. The appellate court found that Kern
14 County had territorial jurisdiction.); Ordanza v. Superior Court, (1980) 106 Cal. App. 3d
15 195, 200; 164 Cal. Rptr. 892, (in Fresno County, defendant made an offer to sell cocaine to an
16 undercover officer and actually called his connection in Santa Clara County to facilitate the
17 deal. Appellate Court found that Fresno County had territorial jurisdiction.); People v.
18 Tabucchi, (1976) 64 Cal. App. 3rd 133, 140-141; 134 Cal. Rptr. 245, (defendant negotiated a
19 narcotics sale in Stanislaus County and consummated the sale in Tuolumne County. The
20 appellate court held that Stanislaus had territorial jurisdiction.); People v. Jackson, (1983) 150
21 Cal. App. 3rd Supp. 1, 16-17; 198 Cal. Rptr. 135 (defendant formed a relationship with the
22 victim in Los Angeles County; picked up the victim in Los Angeles County and drove to
23 Ventura County where defendant committed a violation of **Penal Code Section 647a**. The
24 appellate court held that Los Angeles County Municipal Court had jurisdiction.)
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1 In each of the cases listed above, defendant did some preliminary act in the county
2 where the trial occurred. The preliminary act conferred territorial jurisdiction on the court
3 where the trial occurred. Where defendant does no act in the county, there is no territorial
4 jurisdiction. **People v. Crise**, (1990) 224 Cal. App. 3rd Supp. 1, 5; 274 Cal. Rptr. 242.

5 In this case, Defendant did no preliminary act in El Dorado County. He started in El
6 Dorado County, but the relevant threat to injure his wife occurred spontaneously in Placer
7 County and finished in Placer County. By the time Defendant, victim and their children
8 returned to El Dorado County, the alleged crime, if any had been completed.


9
10 In short, there are no facts demonstrating that Defendant did any preliminary act or any
11 act that would legally confer territorial jurisdiction on El Dorado County.

12 CONCLUSION

13 For the reasons set forth above, the court must conclude that the court does not have
14 territorial jurisdiction of this case, because all of Defendant's act occurred in Placer County,
15 and the court must dismiss Count Four.

16 Dated: December 10, 2004

Respectfully submitted,

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20 Philip Cozens
21 Attorney for Defendant
22 Richard Hamlin
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PROOF OF SERVICE

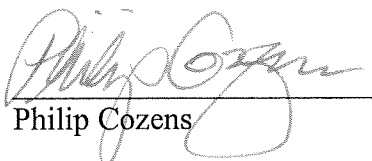
I declare that:

I am over eighteen years of age and not a party to the above-entitled action. My business address is 1001 Sixth Street, Suite 400, Sacramento, California. On December 10, 2004, I served the "Motion to Dismiss for Lack of Jurisdiction" by personally delivering a copy of such documents to the following person:

Vicky Ashworth, Esq.
Deputy District Attorney
District Attorney's Office
515 Main Street
Placerville, CA 95667

I declare under penalty of perjury, pursuant to the laws of the State of California, that the foregoing is true and correct.

Executed this 10th day of December, 2004, in Sacramento, Sacramento County, California.


Philip Cozens

EL DORADO CO. SUPERIOR CT.
DEC 01 2004

FILED

BY

Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF EL DORADO

PEOPLE OF THE STATE
OF CALIFORNIA,

Plaintiff,

RICHARD HAMLIN
Defendant.

No. 04-2413

NOTICE OF MOTION FOR
DAILY TRANSCRIPT

(CCP § 269)

Date: 11/3/05

Time: 1:30

Place: Dept 2

TO THE DISTRICT ATTORNEY OF EL DORADO COUNTY
AND/OR ____ [HIS OR HER] REPRESENTATIVE:

PLEASE TAKE NOTICE that on 11/3/05 [date], at the hour of
1:30 or as soon thereafter as the matter may be heard in the
courtroom of Department 2 of the above-entitled court, the
defendant will move for a daily transcript of the trial proceedings.

The motion will be made on the grounds that a daily transcript is
necessary for counsel to properly present a defense because of the
anticipated length of trial and multiplicity of witnesses.

The motion will be based on this notice of motion, on the attached
declaration, on the memorandum of points and authorities served
and filed herewith, on the records on file in this action, and on such
oral and documentary evidence as may be presented at the hearing
on the motion.

Dated: 11/30/04,

[Signature]
Attorney for Defendant

EK

FILED DEC 01 2004

BY  Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF EL DORADO

PEOPLE OF THE STATE
OF CALIFORNIA,

Plaintiff,

RICHARD HAMLIN,
Defendant.

No. 04-2413

POINTS AND AUTHORITIES
IN SUPPORT OF MOTION
FOR DAILY TRANSCRIPT

Defendant submits the following points and authorities in support
of a motion for a daily transcript:

I

IT IS WITHIN THE DISCRETION OF THE TRIAL
COURT TO ORDER A DAILY TRANSCRIPT OF THE
PROCEEDINGS

In *People v Chait* (1945) 69 Cal App 2d 503, 524, 159 P2d 445, the
appellate court delineated the trial court's discretion to order a daily
transcript of proceedings.

"Section 269 of the Code of Civil Procedure requires the court
reporter to transcribe from his notes a record of the proceedings
'within such reasonable time after the trial' as the court may
designate. Whether, in a criminal case, these proceedings shall be
transcribed daily and a copy furnished the defendant is a matter
properly left to the discretion of the trial court."

EL DORADO SUPERIOR CT.
FILED DEC 01 2004
BY [Signature] Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF EL DORADO

PEOPLE OF THE STATE
OF CALIFORNIA,

Plaintiff,

Richard Hamlin,
Defendant.

No. 04-2413

DECLARATION IN SUPPORT
OF MOTION FOR
DAILY TRANSCRIPT

I, Hamlin [name of declarant], declare:

I am the attorney representing the defendant in the above-entitled action.

Due to the anticipated length of trial, the complexity of the facts, the volume of documents and the multiplicity of witnesses, a daily transcript of the trial proceedings is necessary in order to properly present a defense.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/30/04 [date] at EL DORADO, California.

[Signature]

Attorney for Defendant

PRO-PER VIOLATIONS

1.) LEGAL MAIL OPENED

CO Lynch called me to the speaker box in my POD, F-POD, and asked who Ted Gunderson was. In the presence of inmate Nick Nuggent, I replied that he was my investigator. Lynch did not reply.

Shortly thereafter, at mail call, CO Lynch informed me that "she spoke to a srg. and they agreed that this was not legal mail." Upon examining the 5 pieces of mail, I saw that they were all opened. Further, they had been stamped "Legal Mail" previously, but had hand written across the envelope, "Not Legal Mail". The envelope clearly had Ted Gunderson's name and title of "investigator" written on the envelope. The 5 pieces of mail had Attorney work product in them, including strategy and possible witnesses.

2.) LEGAL PAPER WORK TAKEN FROM MY CELL

CO Kessner removed over 2 1/2 boxes of legal material from my cell. This issue was addressed on 9/27/04 and the court ordered those boxes and all legal material delivered back to my cell. However, as of this writing, Saturday Oct. 2, 2004, that order has not been complied with. As this is the weekend, the order will not be carried out until, at the earliest, Monday Oct. 5, 2004.

3.) LEGAL PAPER WORK LEFT OUT IN THE OPEN IN THE LIBRARY

When my paperwork was taken out of my cell, it was delivered to the "law library" closet. On my opportunities to go to the law library, an officer must come into the room and unlock a closet where the materials are stored. When an officer tells me my time is up I must immediately leave. Often I left before my materials were put away.

Despite briefings by the Lt., directing officers to put the legal work away, on Sept. 30, 2004/Oct 1, 2004~~xx~~ that was not done. On 9/30/04, I left the library at approx. 3:30 pm. When I left, I advised the officer over the speaker box that my legal materials were still out. The officer acknowledged that and said it would be put away. The next day an inmate by the name of James House, was sent to the law library. Mr. House resides in the same POD as I do and upon his return, he told me that he was shocked to see my legal materials left out. He noted the phone was left out as well. (The proper phone).

I was allowed to go to the law library next and indeed saw the same thing Mr. House did.

These facts mean that my legal materials sat out for inmates or officers to look at for approx. 20 hours.

1
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3 4.) RETALIATION FOR RAISING PRO-PER VIOLATIONS

4 Upon writing to Lt. Lane concerning my legal paper work being
5 opened, I had my legal paper work taken from my cell and my
6 law library time drastically reduced.

7 The court through its actions has caused the jail to change
8 those two items. Thankfully, the courts action immediately
9 changed the library use. I must report that the jail has been
10 extremely considerate and responsive to me about the law lib-
11 rary after the court's call. The legal paper work as previously
12 stated is still pending.

13 I raise this issue because I simply want to head off any
14 retaliation that would only come from a very few due to my
15 raising these issues. The staff overall has been professional
16 and fair.

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19 Defendant,
20 Acting in PRO-PER

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28 RICHARD HAMLIN

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

READINESS AND SETTLEMENT CONFERENCE

Date: 11/29/04 Time: 1:30 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S. by H. St. Dennis
Court Reporter DeLacy K.
Bailiff K. Schmalz

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by Pro Per.
P. COZENS is present.

Mr. Cozens would like copy of video tape made
of Mrs. Hamlin on 2/26/04.

Defendant may make a motion for change of venue
and recusal of District Attorney

COURT ORDERS:

Defendant to file their motion by 12/1/04.
People will have until 12/22/04 to respond.

Motion RE: VARIOUS set for 01/03/2005 at 13:30 in Department 2.
Parties may fax copies of motions and response by
fax.

Defendant wants any contact with witnesses by the
People documented by either written notes or
tape recorded.

People object

COURT ORDERS:

Court rules it is not necessary to tape record
or take notes unless new or different information
is provided.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

cc:

District Attorney/P. Cozens Esq/Richard Hamlin
via County jail

=====MINUTE ORDER END=====

12/01/04

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

=====MINUTE ORDER END=====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

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HEARING RE: Interference With Legal Mail

Date: 10/08/04 Time: 1:30 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K. *B. SoroKa*
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by Pro Per.

2nd Chair Atty. Phil Cozens present with the
Defendant.
County Counsel Ed Knapp present with the
People - on behalf of the Jail.
Lt. Pam Lane present from the Jail.
Officer Lynch present re: mail opening issue
but not called.

Defense requests a copy of the exhibits marked
on 09-27-04 - the copies will be sent to Def.

The Court received an undated memo from the
Defendant prior to today titled PRO-PER VIOLATIONS
and the Court sent copies to Ed Knapp of
County Counsel and Lt. Pam Lane at the Jail
so that the memo was not "ex-parte" communi-
cation.

The Court directs the Defendant to document who
he "cc's" next time.

Oral motion on behalf of Defense Cozens RE: renewed request for
o/r release.
Motion is DENIED.

The Defendant informs the Court that he has
been allowed to have discovery materials in
his cell now and there have been no further
mail violations.
The Defendant wants his legal mail opened in
his presence only.
The Court authorizes any supplemental discovery

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

to be allowed in the Defendant's jail cell under
the same terms as before.
The Defendant also states that the law
library time has been good and wants it to
continue - so ordered by the Court.

Oral motion on behalf of the Defendant RE: name changes to jail
list.

The Defendant requests that names be changed
on his legal runner list.
Lt. Pam Lane is present and states that changes
should not be a problem to the list unless it
becomes overburdensome.
Motion is GRANTED.

Per the Defendant's request the following changes
are made to the list of "legal runners" at the
jail:

Larry Arkus is changed to Debbie Adragna.
Charlotte Blasier is changed to Frank Hickey.
The list should now be:
Kim Dubach - Paralegal
Brad Hamlin and Debbie Adragna - runners.
Frank Hickey and Ted Gunderson - Investigators.

The Court authorizes the Defenant can interview
witnesses at the jail - in compliance of jail
rules.

The Defendant can submit a list of witnesses
directly to Lt. Pam Lane and it will be kept in
a secure location and not divulged to the People.
A small number of staff at the jail will have to
access the list but will be instructed not to
share the list.

The Court directs the Defendant to disclose
witnesses he intends to call at trial 30 days
before trial.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

cc: DIST ATTY / PHIL COZENS ESQ.
RICHARD HAMLIN C/O JAIL
JAIL - LT. PAM LANE

===== MINUTE ORDER END =====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

Motion RE: RELEASE ON O/R

Date: 09/27/04 Time: 1:00 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by Pro Per.
2nd Chair Counsel Phil Cozens present.

County Counsel Ed Knapp present on behalf
of the Jail.

The Defendant appears in street clothing.

Defendant's exhibit(s) #1 - 2 - 3 and 4 all buff-colored
envelopes is/are marked for identification purposes only.
See Exhibit List for full description of all
exhibits.

Defendant's exhibit(s) #5 - 6; envelopes is/are marked for
identification purposes only.

Defendant's exhibit(s) #7 - 7A - 7B - 7C - 8A - 8B - 8C - 9A -
9B & 9C is/are marked for identification purposes only.

Defendant's exhibit(s) #10A - 10B - 11A - 11B - 12 - 13 and 14
is/are marked for identification purposes only.

Hearing on motion for denial of speedy trial
and / or interference of legal mail by Jail.
As to the denial of speedy trial motion: the Court
has already read all papers and now Counsel
argue.

Defense discusses the issues of the opening
of legal mail at the Jail and denial of access to
case materials.

The Defendant also claims denial of access to
the law library at the Jail.

Oral motion on behalf of Defendant RE: to be released on his o/r.
The People respond and Counsel argue as put
forth on the record.

The Court responds and denies Defense motion for

10/06/04

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

speedy trial rights.

As to Defense motion to be released on o/r:
Motion is DENIED.

The Court informs the Defendant that the Court
will try to see that the Defendant is able to keep
all his discovery material in his cell.

Further argument as on the record.

Atty. Cozens informs the Court that he paid over
\$700.00 in copying costs and the Defendant is
indigent.

COURT ORDERS:

Atty. Phil Cozens is to submit a bill for copying
of materials and shall be reimbursed.

The Jail is ordered to allow the Defendant to
keep all trial materials in his cell (within
reason) unless it poses a risk - and if it does -
the Jail is to notify the Court of the problem.

The Court orders "Lynch" to be subpoenaed.

Hearing RE: Interference With Legal Mail set for 10/08/2004 at
13:30 in Department 2.

Est. is 2 hours.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

cc: DIST ATTY / JAIL (FAX) *on 10-06-04 & To Lt. Pam Lane @ 626-9472*

RICHARD HAMLIN C/O JAIL

PHIL COZENS ESQ.

===== MINUTE ORDER END =====

Dispo

People of the State of California

vs. ~~Land~~

Richard William Hamlin

Page 1

Case No. P04CRF0132

Date: 9-27-2004

List of Exhibits

Exh. No.	Offered By		Description	ID	ADMIT	REDACT
	PEO	DEF				
1		X	(Buff-colored 1 to 4) Envelope: To Richard Hamlin p.m. 8-19-04	9-27 2004		
2		X	Envelope: To Richard Hamlin p.m. 8-19-04			
3		X	Envelope: To Richard Hamlin p.m. 8-19-04			
4		X	Envelope: To Richard Hamlin p.m. 8-19-04			
5		X	Envelope: To Richard Hamlin p.m. 9-03-04			
6		X	Envelope: To Richard Hamlin p.m. 8-24-04			
7A		X	Yellow half sheet Inmate Request Slip 8-30-04			
7B		X	Yellow half sheet Inmate Request Slip 8-30-04			
7C		X	Yellow half sheet Inmate Request Slip 8-26-04			
8A		X	Yellow half sheet Inmate Request Slip 9-07-04			
8B		X	Yellow half sheet Inmate Request Slip 9-06-04			
8C		X	Yellow half sheet Inmate Request Slip 9-08-04			
9A		X	Yellow half sheet Inmate Request Slip 9-14-04			
9B		X	Yellow half sheet Inmate Request Slip 9-15-04			
9C		X	Yellow half sheet Inmate Request Slip 9-16-04			
10A		X	Yellow half sheet Inmate Request Slip 9-08-04			
10B		X	Yellow half sheet Inmate Request Slip 9-10-04			
11A		X	Yellow half sheet Inmate Request Slip 9-12-04			
11B		X	Yellow half sheet Inmate Request Slip 9-13-04	✓		
12		X	2 pg. copy of letter to Lt. Lane dated 8-21-04	9-27 2004		
13		X	1 pg. copy of letter to Lt. Lane dated 9-16-04			
14		X	1 pg. copy of front of envelope p.m. 8-19-04	✓		

I HEREBY ACKNOWLEDGE RECEIPT OF ALL EXHIBITS LISTED ABOVE, EXCEPT ANY EXHIBITS

MARKED "RETURNED". Deputy Clerk _____ Date: _____

EL DORADO CO. SUPERIOR CT.

FILED Sept. 27, 2004

By JDahlg
Deputy

Richard Hamlin
Pro-Per
300 Forni Road
Placerville, CA 95677

Defendant in Pro-Per

IN THE EL DORADO SUPERIOR COURT
STATE OF CALIFORNIA

THE PEOPLE OF THE STATE
OF CALIFORNIA,

No. P04CRF0132
DEFENSE REPLY

Plaintiff,

vs.

RICHARD W. HAMLIN,
Defendant

I.

THE PROSECUTION DELIBERATLY OR WITH RECKLESS
DISREGARD WITHELD DISCOVERY

The defendant was arrested on 2/28/04. Within the next 3 days, law enforcement conducted searches of the defendant's home. The discovery in question was collected during those searches. A jury trial date of August 3, 2004 was set. The defense did not waive time. The prosecution admits that they gave defense late, on July 13, 2004 and July 29, 2004.

First, the discovery was not within the 30 days before trial requirement. Second, the prosecution knowing that it would be turning over approx. 2000 pages of discovery just weeks before the start of jury trial, knew it would force the defense to continue against its wishes or give the prosecution an unfair advantage in preparation. Third, the prosecution had in its possession for at least 4 1/2 months the documents in question. There is no justification for simply doing nothing in regards to turning over documents that the prosecution knew it had to discover.

Lastly, the defense was not provided actual discovery by the July 29, 2004 date. The prosecution turned over a cd disk that had the discovery scanned on to. They gave this discovery NOT to the Attorney of Record, but to co-counsel. As established on record when I became Pro-Per, Mr. Cozens would only be 2nd Chair. I never gave up my right as Pro-Per to receive discovery. By sending it to 2nd Chair, the prosecution only further delayed the actual production of discovery. The prosecution deliberately caused further delay by providing said discovery on a cd disk. The prosecution

1
2 was well aware that I was a Pro-Per defendant that was
3 in custody with no use of a computer. The prosecution's
4 whims and wishes do not out weigh the constitutional rights
5 afforded a defendant in a criminal proceeding. The fact
6 that the DA's Office wishes to put discovery on a cd disk
7 for their convience is not a valid consideration when
8 weighed against the constitutional rights of an in custody
9 defendant who is acting in Pro-Per.

10 The prosecution's actions have undercut the defendant's
11 right to a speedy trial within the statutory time period
12 set by law. Too often last second or late production of
13 discovery puts a defendant in a no win position which
14 forces him to give up constitutionally protected rights.
15 In this case the defense could have proceeded only if
16 it conceded that it would not be ready and that its
17 opponent would have a clear advantage. An unfair advantage.
18 The prosecution had these documents for close to 5 monthes.
19 Clearly an advantage would be had to possess documents
20 for 5 monthes and then give your opponent only a couple
21 weeks to prepare. Especially, when its 2000 pages of
22 documents. The State and Federal Constitution did not
23 want theses types of actions to exsist.

24 The prosecution's actions if not deliberat were certainly
25 with reckless disregard to the defendant's rights and
26 facilitated a delay which was against the defendants
27 request and right. Not to state an obvious fact, but the
28 delay is that much more a wrong when the defendant is
forced to continue to be in custody. The defendant will
be in custody, being treated like a convicted criminal
and not a man presumed innocent, for almost 1 yearbefore
his matter is finally brought to trial.

For these reasons the defense requests that the defendant
be releasèd on his own recognizance while awaiting jury
trial. The defense will also incorporate the defendant's
inability to act as his own counsel, due to the actions
of the El Dorado County jail at the scheduled hearing.


Richard Hamlin

1
2
3 PRO-PER REQUEST

4 The defendant, acting in Pro-Per, requests the following

5 1.) 6 boxes to maintain my legal work

6 The prosecution has discovered aprox. 4,000 pages of
7 discovery.

8 2.) Daily law library usage

9 3.) No legal mail opened

10 4.) Additional legal runner

11 5.) Access to interview potential witnessess, without
12 having to come to court.

13 I propose that I be able to submit a list of potential
14 witnesses to Lt. Lane and that those individuals will
15 be treated as professional visits, without the time
16 limitation and not be subject to recording.

17 6.) A tape recorder in my cell.

18 7.) Use of the facilities computer. (in the school room)

19 This would be used for word processing and internet
20 searches as it pertains to the investigation of my
21 case.
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Richard Hamlin

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

Motion RE: RELEASE ON O/R

Date: 09/20/04 Time: 2:00 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by Pro Per.

At 13:15 p.m. Atty. Phil Cozens calls the court and
says his car broke down and he cannot make
it to court today but will have Atty. James Warden
present later.

At 13:45 p.m. DDA V. Ashworth arrives and the Court
conducts a conference in chambers - off the
record.

Atty. Phil Cozens is put on speaker phone and
Atty. James Warden arrives and is brought into
chambers as well.
Counsel agree this matter needs to be continued.

Hearing continued pursuant to Stipulation by parties to
09/27/2004 at 13:00 in Department 2.

Atty. Warden will explain the continuance to the
Defendant when he gets here.

Now in the courtroom - on the record:
Defendant is present IN CUSTODY.
Defendant present with Atty. James Warden
on behalf of Phil Cozens.
The Court explains - now on the record - re:
continuance of the motion.
The Defendant complains re: legal mail and he
states that he complained to Lt. Lane and she
advised officers etc. and now Def. feels that
his daily library use was cut to every 3 days.
Defendant requests to have library use restored
to daily use.
The Court will contact Lt. Lane at the Jail to

9/27/04

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

make sure the Defendant's daily library use is
restored.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

===== MINUTE ORDER END =====

Dispo

1 GARY L. LACY
District Attorney
2 El Dorado County
515 Main Street
3 Placerville, California 95667
Telephone: (530)621-6472

EL DORADO CO. SUPERIOR CT.

FILED SEP 13 2004

BY *[Signature]*
Deputy

5 Attorneys for Plaintiff

7 IN THE EL DORADO COUNTY SUPERIOR COURT

8 STATE OF CALIFORNIA

9 THE PEOPLE OF THE STATE
OF CALIFORNIA,

No. P04CRF0132

10 Plaintiff,

RESPONSE TO DEFENSE
MOTION FOR O.R. RELEASE
DUE TO SPEEDY TRIAL RIGHT
VIOLATION

11 vs.

Hearing: September 20, 2004
Time: 2:00 p.m.
Department: 2

14 RICHARD W. HAMLIN,
15 Defendant.

17 Statement of Procedural Facts

18 The defendant, RICHARD HAMLIN, was charged by a criminal complaint on February
19 29, 2004. Subsequently, an amended complaint was filed on May , 2004 adding three additional
20 counts. On June , 2004, the defendant and the prosecution each waived their right to a
21 preliminary examination. Also at that time, the defendant informed the Court that he would be
22 acting as his own attorney and retaining the service of Mr. Phil Cozens as co-counsel. Mr.
23 Hamlin was arraigned on the Information on June , 2004 and a jury trial was set without a time
24 waiver, for August 3, 2004 (later, the jury trial was re-scheduled to begin August 10, 2004 to
25 accommodate prosecution witnesses - still within the 60-day period for jury trial). On June 30,
26 2004, the prosecutor met with Phil Cozens at the El Dorado County Sheriff's Department,

RECEIVED

SEP 13 2004

BY:

EK

1 Property Section, for the purpose of going over the numerous items of evidence. During that
2 meeting, Mr. Cozens requested a number of items be discovered directly to him that he would
3 then presumably share, and/or go over, with the defendant. Those items, some 1500 pages of
4 material, were scanned onto a CD per District Attorney discovery policy and discovered to Mr.
5 Cozens on or about July 13, 2004. After this meeting with Mr. Cozens, the prosecution received
6 a request from the defendant for copies of ALL items in evidence. As a result, practically all
7 remaining items of evidence were scanned onto a couple of CD's and discovered directly to the
8 defendant in county jail on July 29, 2004.

9 Prior to discovery, the defendant appeared in Court on Monday, July 26, 2004 and made
10 an oral motion to continue the jury trial of August 10, 2004. At that time, the defendant
11 informed the Court that he knew of the District Attorney's office was working on providing
12 discovery as he knew that the materials were quite voluminous. No new trial date was selected
13 as the prosecution indicated it needed to check its witness availability for any future trial dates
14 before agreeing to a continuance. Subsequently, the parties appeared again in Court on Friday,
15 July 30, 2004. It was at that time that a continuance of the jury trial was granted to September
16 28, 2004 and the defendant began claiming that his rights had been violated by the prosecution
17 due to a delay in receiving discovery. Further proceedings on August 30, 2004 resulted in the
18 defendant again requesting a continuance of the jury trial on grounds that investigation was still
19 on-going as to his defense. The defendant, through co-counsel, Phil Cozens, also filed this
20 motion and dates were set. A continuance of the jury trial was granted by the Court and a new
21 jury trial date was set for January 4, 2005.

22 A VIOLATION OF DEFENDANT'S SPEEDY
23 TRIAL RIGHTS HAS NOT OCCURRED

24 In his motion, the defendant indicates that the prosecution forced him to request a
25 continuance of the jury trial set for August 3, 2004 because of untimely and unusable discovery.
26 However, such statements are unsupported in this case.

27 Relevant materials, including a complete witness list, were discovered to defense counsel

pursuant to Penal Code Section 1054. The prosecution readily admits that this discovery was provided on CD to co-counsel Phil Cozens on or about July 13, 2004. A compact disk, due to the voluminous amount of paper, was the most efficient and cost-effective manner in which to provide discovery. Additionally, the District Attorney policy is to provide discovery on CD. Later discovery was also provided to the defendant on CD due to the volume of materials. The defendant claims discovery was unusable, but even if defendant cannot access the discovery in county jail, he has had numerous visits from members of his vast legal staff who could easily assist in getting materials printed. Additionally, the District Attorney's office is only required to provide access to discovery which has been done in this case. Further, the defendant knew of the difficulties he may or may not have in representing himself due to his in-custody status and chose to go ahead with that decision as is his right - but he must now deal with the ramifications of such decision.

During a meeting between the prosecution and the defendant on July 16, 2004, the defendant made statements regarding an investigator working for him who was allegedly uncovering evidence in support of child molestation charges against a prosecution witness. When he was reminded that we were well within thirty (30) days of jury trial for purposes of discovery under Penal Code Section 1054, the defendant indicated his awareness and said he was working diligently to get such information. This meeting with the defendant was recorded and is available to this Court for further review in support of this motion. Yet here we are on our third jury trial setting and no information has been provided to the prosecution regarding any defense witnesses or information. It appears that the defendant knew what his defense would be and evidence he had to support his position even before receiving materials from the prosecution. Therefore, it seems as though the defendant himself was not ready to proceed with jury trial, not because of any discovery issue, but simply because he had not had time to put it all together and is only now trying to blame the prosecution.

1 DEFENDANT FAILS TO SHOW, WITH SPECIFICITY,
2 THAT HIS SIXTH AMENDMENT RIGHTS WERE VIOLATED

3 In his moving papers, the defendant claims that the El Dorado County Sheriff's
4 Department at the county jail has and continues to violate his rights by opening and reading
5 correspondence to and from an unnamed investigator. However, defendant fails to meet his
6 burden by giving any specifics of such violations. Information such as who the letters were to or
7 from, how envelopes were marked, when the alleged violations occurred and other useful
8 information is conveniently excluded from the defendant's motion. The People should not be
9 required to guess as to the claim being asserted by the defendant due to his failure to state any
10 particularities in his motion.

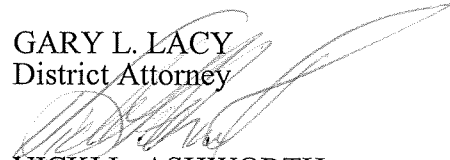
11
12 CONCLUSION

13 Based on the foregoing arguments, the People respectfully request that the defense
14 motion for release on his own recognizance be denied.

15
16 September 13, 2004

Respectfully submitted:

17 GARY L. LACY
18 District Attorney

19 
20 VICKI L. ASHWORTH
21 Deputy District Attorney

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
County of El Dorado)

PEOPLE vs. RICHARD W HAMLIN,

DOCKET #: P04CRF0132

DA # 04-03-001499-1

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667.

On September 13, 2004 I served the within RESPONSE TO DEFENSE MOTION FOR O.R. RELEASE DUE TO SPEEDY TRIAL RIGHT VIOLATION

on the parties in said action, by faxing a true copy thereof to Richard W. Hamlin, ESQ., at Fax Number: 530 295-2628

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on September 13, 2004 at Placerville, California.



DENISE LONG

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
County of El Dorado)

PEOPLE vs. RICHARD W HAMLIN,

DOCKET #: P04CRF0132

DA # 04-03-001499-1

I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667.

On September 13, 2004 I served the within RESPONSE TO DEFENSE MOTION FOR O.R. RELEASE DUE TO SPEEDY TRIAL RIGHT VIOLATION

on the parties in said action, by faxing a true copy thereof to PHILIP COZENS, ESQ., at Fax Number: 916 443-1511.

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on September 13, 2004 at Placerville, California.



DENISE LONG

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====
Motion RE: Any

Date: 08/30/04 Time: 9:15 am Dept/Div: 2
=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by Pro Per.
2nd Chair Counsel Phil Cozens present today.

Defense Counsel Cozens files a MOTION TO
RELEASE DEFENDANT ON HIS OWN RECOGNIZANCE DUE TO VIOLATION OF HIS SPEEDY
TRIAL RIGHTS.
The People need time to respond to this motion
so it will not be heard today.
The Court orders the People to respond by 09-13-04
Motion RE: RELEASE ON O/R set for 09/20/2004 at 14:00 in
Department 2.

The jury trial schedule is discussed re: the
availability of Department 2 and Judge Keller.
The Defendant would like the jury trial to remain
in Dept. 2.
Oral motion on behalf of stipulation RE: continue jury trial.
Motion is GRANTED.

JT hearing set for 09/28/2004 at 9:30 is ordered vacated.

Time is Waived.
Readiness and Settlement Conference set for 11/29/2004 13:30 in
Dept. 2
Est. is 1 hour for pre-trial issues.
Jury Trial set for 01/04/2005 at 9:30 in Department 2.
Estimated length of trial is 12 days.

COURT ORDERS:
THIS CASE TO HAVE #1 PRIORITY FOR JURY TRIAL
ON 01-04-05.

8/31/04

Page: 2

Case Number : P04CRF0132

People vs. RICHARD HAMLIN
=====

The Defendant complains to the Court that his
legal mail has been opened at the jail (5 letters)
and also asks for an additional investigator to be
added to the list: Charlotte Blazier.

Motion is GRANTED.

The Court orders investigator "Charlotte Blazier"
added to the list of legal runners etc. for the
Defendant at the jail.

The Court will speak to Lt. Pam Lane regarding
the legal mail issue.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

CC: DIST ATTY / PHILLIP COZENS ESQ.

RICHARD W. HAMLIN C/O JAIL

JAIL

===== MINUTE ORDER END =====

Dispo

Philip Cozens, State Bar Number 84051
1001 6th Street, Suite 400
El Dorado, CA 95814

Telephone: (916) 443-1504

Attorney for Defendant Richard Hamlin

EL DORADO CO. SUPERIOR CT.

FILED

Aug. 30, 2004

By


Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF EL DORADO

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

RICHARD HAMLIN,

Defendant.

CASE NO. P04CRF0132

MOTION TO RELEASE
DEFENDANT ON HIS OWN
RECOGNIZANCE DUE TO
VIOLATION OF HIS SPEEDY
TRIAL RIGHTS

Date: August 30, 2004

Time: 8:30 a.m.

Dept: 2

INTRODUCTION

Defendant seeks an order from the court releasing him from custody on his own recognizance. The Court ought to make such an order in this case because: 1) the government delays in providing discovery in a usable form to Defendant in pro per violated Defendant's Sixth Amendment Right to a speedy, public jury trial because such delays necessitated continuance of Defendant's trial and a waiver of Defendant's previously unwaived speedy trial; and 2) the government, by the El Dorado Sheriff's Department, violated and still violates

1 Defendant's Sixth Amendment Right to effective assistance of counsel by intercepting and
2 reading Defendant's letters to and from Defendant's retained private investigators.

3 There are no other effective remedies for the violations of Defendant's Sixth
4 Amendment Rights. Continued incarceration where the government routinely reads Defendant's
5 legal correspondence and where Defendant has no access to computers necessary to read the
6 discovery will only impede Defendant's ability to prepare his defense.
7

8 STATEMENT OF FACTS

9 The District Attorney charged Defendant with violations of **Penal Code Section 206**
10 torture; two counts of **Penal Code Section 273.5** spousal abuse with great bodily injury (**Penal**
11 **Code Section 12022.7(e)**); **Penal Code Section 246.3** negligent discharge of a firearm; two
12 counts of **Penal Code Section 422** terrorist threats while armed with a firearm **Penal Code**
13 **Section 12022(a)(1)**; and three counts of violation of **Penal Code Section 273a(a)** child
14 endangerment.
15

16 Prior to the scheduled preliminary hearing, Defendant moved the court for an order that
17 he be allowed to proceed as his counsel in pro per. The magistrate granted Defendant's motion.
18 Defendant then made a knowing and voluntary waiver of his right to a preliminary hearing. The
19 magistrate then scheduled the matter for arraignment in Superior Court.
20

21 At the arraignment in Superior Court, Defendant scheduled the matter for trial within the
22 statutory time and without a time waiver.

23 After scheduling the trial date, Defendant informed the prosecutor that Defendant wanted
24 all discovery delivered to him at the El Dorado County Jail. Defendant further informed the
25 prosecutor by letter that Defendant wanted copies of every seized piece of evidence. This
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1 request was about two thousand pages of documents seized from Defendant's home during
2 consent searches authorized by the victim, Defendant's estranged wife.

3 Although Defendant informed the prosecutor that Defendant needed copies of the
4 documentary evidence, and the prosecutor subjectively knew that Defendant was incarcerated in
5 the El Dorado County Jail and therefore had no access to computers for reading documents
6 copied onto a compact disk, the prosecutor provided Defendant with six compact disks
7 containing images of the requested documents. Currently, Defendant is unable to access the
8 images by computer except when second counsel Philip Cozens makes arrangements to bring a
9 lap top computer to the jail. This procedure is so cumbersome that Defendant has not had an
10 effective opportunity to review all the discovery. Defendant certainly did not receive the
11 discovery in time to prepare for the first scheduled trial date.

12
13
14 As a result of the prosecution's failure to deliver the required discovery in a timely and
15 usable basis, Defendant felt compelled to move the court for a continuance of his scheduled
16 speedy public trial.

17 As a second and separate basis for this motion, Defendant retained specially trained and
18 experienced private investigators to investigate this case for evidence of prior sexual molestation
19 of the main prosecution witness and her involvement in satanic cults. Defendant corresponded
20 by mail with such expert. Defendant marked the outside of the envelopes with information that
21 the correspondence was attorney client privileged. Defendant is informed and believes that the
22 El Dorado County Sheriff's Deputies have opened his letters to his specially retained private
23 investigators and read the contents of such letters. Such letters contain information regarding
24 Defendant's strategy at trial and full and frank discussions of the relative merit of the witnesses.
25 Such information is attorney client privileged and could not be invaded by the government in any
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1 form if Defendant were not incarcerated in the El Dorado County Jail. Such invasion of
2 Defendant's Sixth Amendment right has caused Defendant to be circumscribed in writing letters
3 to his retained investigators and therefore prevented full and complete disclosure required for an
4 effective investigation.

5
6 Further, the El Dorado County Sheriff's intercepted and read Defendant's investigators'
7 letters to Defendant at the El Dorado County Jail. Such letters contained information regarding
8 the investigators' work and results as well as impressions of potential witnesses.

9 There is no question that Defendant intended to represent himself at trial in this matter.
10 In the dependency court hearing, Defendant acted as his own counsel and cross-examined his
11 wife.

12 13 **LAW AND ARGUMENT**

14 **I. RELEASE ON DEFENDANT'S RECOGNIZANCE IS AN** 15 **APPROPRIATE REMEDY FOR VIOLATION OF DEFENDANT'S** 16 **SPEEDY TRIAL RIGHTS.**

17 **Penal Code Section 686** states a defendant's right to a speedy and public jury trial and to
18 be represented by counsel at all stages of the proceedings. **Penal Code Section 1382(a)(2)**
19 requires dismissal of the case if a defendant is not brought to trial within sixty days of his
20 arraignment in Superior Court. The exception is when there is a time waiver. **Penal Code**
21 **Section 1382(a)(2)(A)**

22 In this case, by failing to give Defendant discovery in a timely and usable fashion, the
23 government compelled Defendant to chose which constitutional right he wanted to preserve. His
24 choice was whether to proceed to trial in a timely basis but without effective preparation or to
25 waive his right to a speedy and public jury trial to allow himself time to prepare. Defendant
26 selected to preserve his right to effective assistance of counsel. **People v. McKenzie**, (1983) 34
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1 Cal. 3rd 616, 626; 194 Cal. Rptr. 462 [Effective assistance of counsel means a reasonably
2 competent attorney acting as a diligent, conscientious advocate.] **In re Cordero**, (1988) 46 Cal.
3 3rd 161, 184; 249 Cal. Rptr. 342 [Failure to interview witnesses and investigate was
4 incompetence of counsel.] But he would not have been forced to make that decision if the
5 government had provided the discovery to Defendant in a useful and timely manner.
6

7 In the case of a preliminary hearing where the defendant is in custody but the government
8 wants a continuance of the preliminary hearing based on good cause, the court must release
9 defendant from custody. **Penal Code Section 861(a)(2)** citing **Penal Code Section 859b(b)**.

10 In this case, the government's actions forced Defendant to chose between his Sixth
11 Amendment Rights. Because the government essentially coerced the continuance of the trial, the
12 court ought to release Defendant on Defendant's own recognizance.
13

14 **II. THE GOVERNMENT'S INTERFERENCE WITH DEFENDANT'S**
15 **RELATIONSHIP WITH DEFENDANT'S INVESTIGATORS IS A**
16 **VIOLATION OF DEFENDANT'S SIXTH AMENDMENT RIGHT TO**
17 **EFFECTIVE ASSISTANCE OF COUNSEL. THE COURT OUGHT TO**
18 **RELEASE DEFENDANT FROM THE EL DORADO COUNTY JAIL TO**
19 **PRESERVE DEFENDANT'S SIXTH AMENDMENT RIGHT TO**
20 **EFFECTIVE ASSISTANCE OF COUNSEL.**

21 Communications by an attorney or the accused to an investigator working on behalf of
22 the attorney for an accused are privileged. **Evidence Code Section 952**. In this case, because
23 Defendant is the attorney, his communications with his investigators is privileged and part of the
24 attorney client relationship.

25 The government cannot intercept such communications. That is a violation of
26 Defendant's Sixth Amendment Right.

27 There apparently is no recourse for Defendant to prevent the El Dorado Sheriff from
28 intercepting and reviewing his confidential communications.

1 The only apparent remedy is for the court to release Defendant on his own recognizance.

2 **CONCLUSION**

3 For the reasons set forth above, the court ought to order Defendant released on his own
4 recognizance.

5
6 Dated: August 27, 2004

Respectfully submitted,

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Philip Cozens
10 Attorney for Defendant
11 Richard Hamlin
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Philip Cozens, State Bar Number 84051
1001 6th Street, Suite 400
El Dorado, CA 95814

Telephone: (916) 443-1504

Attorney for Defendant Richard Hamlin

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF EL DORADO

PEOPLE OF THE STATE OF CALIFORNIA,	)	CASE NO. P04CRF0132
)	
	)	DECLARATION OF RICHARD
Plaintiff,	)	HAMLIN IN SUPPORT OF
	)	MOTION TO RELEASE
	)	DEFENDANT ON HIS OWN
v.	)	RECOGNIZANCE DUE TO
	)	VIOLATION OF HIS SPEEDY
RICHARD HAMLIN,	)	TRIAL RIGHTS
)	
Defendant.	)	Date: August 30, 2004
	)	Time: 8:30 a.m.
	)	Dept: 2

I, Richard Hamlin, have personal knowledge of the matters set forth in this Declaration in Support of Motion to Release Defendant on Own Recognizance Due to Violation of His Speedy Trial Rights, and if called to testify, could and would truly testify as follows:

1. I am the defendant in the above-entitled case. I am a member of the State Bar of the state of California.

2. By this motion I am seeking an order from the court releasing me from custody on my own recognizance. The Court ought to make such an order in this case because: 1) the

1 government delays in providing discovery in a usable form to me in pro per violated my Sixth
2 Amendment Right to a speedy, public jury trial because such delays necessitated continuance of
3 my trial and a waiver of my previously unwaived speedy trial; and 2) the government, by the El
4 Dorado Sheriff's Department, violated and still violates my Sixth Amendment Right to effective
5 assistance of counsel by intercepting and reading my letters to and from my retained private
6 investigators.
7

8 3. The District Attorney charged me with violations of **Penal Code Section 206** torture;
9 two counts of **Penal Code Section 273.5** spousal abuse with great bodily injury (**Penal Code**
10 **Section 12022.7(e)**); **Penal Code Section 246.3** negligent discharge of a firearm; two counts of
11 **Penal Code Section 422** terrorist threats while armed with a firearm **Penal Code Section**
12 **12022(a)(1)**; and three counts of violation of **Penal Code Section 273a(a)** child endangerment.
13

14 4. Prior to the scheduled preliminary hearing, I moved the court for an order that I be
15 allowed to proceed as my counsel in pro per. The magistrate granted my motion. I then made a
16 knowing and voluntary waiver of my right to a preliminary hearing. The magistrate then
17 scheduled the matter for arraignment in Superior Court.
18

19 5. At the arraignment in Superior Court, I scheduled the matter for trial within the
20 statutory time and without a time waiver.
21

22 6. After scheduling the trial date, I informed the prosecutor that I wanted all discovery
23 delivered to him at the El Dorado County Jail. I further informed the prosecutor by letter that I
24 wanted copies of every seized piece of evidence. This request was about two thousand pages of
25 documents seized from my home during consent searches authorized by the victim, my estranged
26 wife.
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1 7. Although I informed the prosecutor that I needed copies of the documentary evidence,
2 and the prosecutor subjectively knew that I was incarcerated in the El Dorado County Jail and
3 therefore had no access to computers for reading documents copied onto a compact disk, the
4 prosecutor provided me with six compact disks containing images of the requested documents.
5 Currently, I am unable to access the images by computer except when second counsel Philip
6 Cozens makes arrangements to bring a lap top computer to the jail. This procedure is so
7 cumbersome that I have not had an effective opportunity to review all the discovery. I certainly
8 did not receive the discovery in time to prepare for the first scheduled trial date.
9

10 8. As a result of the prosecution's failure to deliver the required discovery in a timely
11 and usable basis, I felt compelled to move the court for a continuance of my scheduled speedy
12 public trial.
13

14 9. As a second and separate basis for this motion, I retained specially trained and
15 experienced private investigators to investigate this case for evidence of prior sexual molestation
16 of the main prosecution witness and her involvement in satanic cults. I corresponded by mail
17 with such experts. I marked the outside of the envelopes with information that the
18 correspondence was attorney-client privileged. I am informed and believes that the El Dorado
19 County Sheriff's Deputies have opened my letters to specially retained private investigators and
20 read the contents of such letters. Such letters contain information regarding my strategy at trial
21 and full and frank discussions of the relative merit of the witnesses. Such information is attorney
22 client privileged and could not be invaded by the government in any form if I were not
23 incarcerated in the El Dorado County Jail. Such invasion of my Sixth Amendment right has
24 caused me to be circumscribed in writing letters to my retained investigators and therefore
25 prevented full and complete disclosure required for an effective investigation.
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10. Further, the El Dorado County Sheriff's intercepted and read my investigators' letters to me at the El Dorado County Jail. Such letters contained information regarding the investigators' work and results as well as impressions of potential witnesses.

11. There is no question that I intended to represent myself at trial in this matter. In the dependency court hearing, I acted as my counsel and cross-examined his wife. I intend to do the same at trial.

I declare under penalty of perjury pursuant to the laws of the state of California, that the foregoing is true and correct.

Executed this 27th day of August, 2004, in Placerville, El Dorado, County, California.

Richard Hamlin

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PROOF OF SERVICE

I declare that:

I am over eighteen years of age and not a party to the above-entitled action. My business address is 1001 Sixth Street, Suite 400, Sacramento, California. On August 30, 2004, I served the "Motion to Release Defendant on Own Recognizance" by personally delivering a copy of such documents to the following person:

Vicky Ashworth, Esq.
Deputy District Attorney
District Attorney's Office
515 Main Street
Placerville, CA 95667

I declare under penalty of perjury, pursuant to the laws of the State of California, that the foregoing is true and correct.

Executed this 30th day of August, 2004, in Sacramento, Sacramento County, California.

Philip Cozens

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

Motion RE: DISCOVERY & TRIAL SET

Date: 08/05/04 Time: 10:00 am Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F A
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff I. CHRISTENSEN

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by Pro Per.

At 10:07 a.m. court convenes on the record.
The Defendant is present in custody.
2nd Chair Atty. Cozens has not arrived yet but
called the court and said he would be here at
around 11:00 am. as he is in S. Lake Tahoe.

The People put issues on the record re:
discovery that was provided.
The Defendant states that he needs hard copies
of scanned materials as he has no computer
access at the jail.
Defendant also states that Atty. Cozens is
"2nd Chair" and the Defendant is "1st Chair" for
Defense and that discovery items have been sent
to Atty. Cozens.
The People reply that since early July when the
Defendant was "1st Chair"; the discovery items
have been sent to the Defendant with copies to
Atty. Cozens.
Counsel argue as put forth on the record.
Argument also re: indigency status of Defendant.

The Court asks and the Defendant agrees to have
his legal runners etc. copy or print out the
discovery contained on the discs etc. i.e.
6 CDs / 5 audio tapes and 20 video tapes.
1 compact disc containing photos is given to
the Defendant in court today.

Counsel update the Court re: DNA testing at
the Department of Justice.

8/11/04

Page: 2

Case Number : P04CRF0132

People vs. RICHARD HAMLIN
=====

Oral motion on behalf of the Defendant RE: dismiss or o/r
release.

The Defendant argues re: being in custody
for 5 months.

All parties decide to wait for Atty. Cozens.

The People discuss items in evidence including
6 books - property of Berkeley Public Library.
The Defendant states he does not need family
photos.

The Court and Counsel discuss the number of
witnesses and length of trial.

The Court reminds both parties of the 30-day
rule regarding discovery

Break while waiting for Atty. Cozens.

Court recesses at 1044; reconvenes at 1125.

All present as before.

Atty. Cozens now present.

Time is NOT waived.

Motion RE: Any set for 08/30/2004 at 9:15 in Department 2.

The Readiness & Settlement will be set on
08-03-04.

Jury Trial set for 09/28/2004 at 9:30 in Department 2.

Estimated length of trial is 12 days.

Because Atty. Cozens is working "pro bono" if
there are any costs to him above discovery -
Atty. Cozens may submit a form to be re-paid.

After court; the Judge speaks to Lt. Pam Lane
at the jail and she agrees to have the Defendant
dressed in civilian clothing when he appears in
court.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

cc: DIST ATTY / PHILLIP COZENS ESQ. / *Jail - Lt. Pam Lane*
RICHARD HAMLIN C/O THE JAIL

===== MINUTE ORDER END =====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

EX-PARTE MINUTE ORDER RE: ADVANCE HEARING

Date: 08/03/04 Time: 1:30 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F A,
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter (not reported)

On the Court's own motion; the hearing set
for 08-06-04 is advanced to 08-05-04 at 10:00 a.m.
MX hearing set for 08/06/2004 at 15:30 is ordered vacated.

Motion RE: DISCOVERY & TRIAL SET set for 08/05/2004 at 10:00 in
Department 2.

Hearing is ordered Off Calendar
CUSTODY STATUS
Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

CC: DIST ATTY / JAIL -TRANSPORTATION
RICHARD HAMLIN C/O JAIL
PHILLIP COZENS ESQ (FAXED TO ALL PARTIES)

===== MINUTE ORDER END =====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

Motion RE: Continue Jury & RSC

Date: 07/30/04 Time: 9:15 am Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F A,
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. DANIELSON

Deputy District Attorney V. ASHWORTH present.
Defendant present
Defendant is represented by Pro Per.

The Defendant complains that he still has
not received all the requested discovery.
Oral motion on behalf of Defendant RE: to be released on his own
recognizance
Motion is DENIED.

Oral motion on behalf of Defendant RE: continue jury trial.
Motion is GRANTED.
JT hearing set for 08/03/2004 at 9:30 is ordered vacated.

Oral motion on behalf of Defendant RE: dismiss case for denial
of discovery.
Motion is DENIED.
The Court informs the Defendant that the
Motion For Dismissal should be in writing etc.

The People respond to the discovery issue as
stated on the record.
The People inform the Court that the requested
transcripts from Feb. 2004 were provided to the
Defendant.

Oral motion on behalf of Defendant RE: request a discovery
hearing.
Motion is GRANTED.
Time is Waived.
Time is waived until 08-06-04.
Motion RE: DISCOVERY & TRIAL SET set for 08/06/2004 at 15:30 in
Department 2.

The Court directs the Defendant to make a list

7/30/04

Page: 2

Case Number : P04CRF0132

People vs. RICHARD HAMLIN
=====

of what items of discovery he is requesting.

The Defendant requests to be brought to court
in civilian clothing on 08-06-04 and the Court
directs the Defendant to give his request to
Lt. Pam Lane at the Jail.
The Defendant turns in a financial declaration.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

CC: DIST ATTY / RICHARD HAMLIN ESQ. C/O JAIL
PHILLIP COZENS ESQ.

===== MINUTE ORDER END =====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

READINESS AND SETTLEMENT CONFERENCE

Date: 07/26/04 Time: 9:15 am Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. DANIELSON

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant proceeds in Propria Persona.

Due to discovery requests:
Oral motion on behalf of Defendant RE: continue jury trial.
The People would like to speak to witnesses
re: their schedule before choosing new trial
dates.
Defendant's motion to continue is continued
until 07-30-04.

The Defendant informs the Court and People
that there are discovery issues; he wants a hard
copy of the discovery that the People have.
The People inform the Court that there are
96 items of evidence that were gone over with
co-counsel Cozens.
Atty. Cozens was to let the People know if hard
copies were requested and today is the first
time the People have heard the request from the
Defendant.

Oral motion on behalf of Defendant RE: request transcript of
2-26-04 interview
Motion is GRANTED.
The People inform the Court they ordered it
a month ago from the Sheriff's Department.
COURT ORDERS:
Sheriff's Department to complete the transcript(s)
and deliver them to the People by 07-30-04.
The People will inform the Sheriff's Dept. of
this order.

The Defendant requests this material at court

7/27/04

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

cost and is given a financial declaration to fill
out and turn in to the Court by 07-30-04.

Motion RE: Continue Jury & RSC set for 07/30/2004 at 9:15 in
Department 2.

COURT ORDERS:

Court Reporter B. Soroka's transcripts of hearings
on 07-21-04 / 07-22-04 and 07-23-04 regarding
the Hamlin matter heard in Dept. 5 of this
Superior Court to be prepared.
The original shall be provided to the Court with
one copy to Defendant Richard Hamlin.
The People must pay for their copy if wanted.
The Court grants release of the transcripts
per 827 Welfare & Institutions Code.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

CC: DIST ATTY / COURT REPORTER B. SOROKA

PHILLIP COZENS ESQ.

RICHARD HAMILIN ESQ. C/O JAIL

===== MINUTE ORDER END =====

Dispo

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF EL DORADO**

495 Main Street
Placerville, California 95667

Reply to:
L. CLARK

Voice: (530) 621-6427
Fax: (530) 622-9774

July 13, 2004

Mr. Richard Hamlin
C/O EDC Jail
300 Forni Road
Placerville, CA 95667

RE Your Request For Transcripts

Enclosed per your request is a copy of the minute order for July 2, 2004. Transcripts, however, must be ordered directly from the reporter. A form is enclosed for that purpose. The reporter will contact you regarding the fees required for the transcript.

Thank you.



L. Clark
Deputy Clerk

Cc: file

July 7, 2004

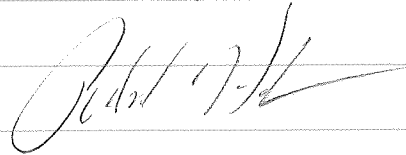
Dept 2
Case # 704CRF0132

I Am Requesting a Transcript of our last proceeding, which took place on 7/2/04. The Transcript is needed for a potential motion I am working on.

May I please also receive a minute order from the proceedings of 7/2/04.

Thank you

Richman Hamlin



Please send to

El Dorado County Jail

300 Forni RD

Theraville Ca 95667

July 7, 2004

Dept 5

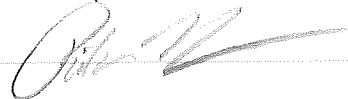
Case # PDP 2004-0007

I am Requesting a Transcript of our last
Proceeding on 7/2/04.

Further, I need a minute Order From
that proceeding

Thank you

Dickens Hamlin-



Please send to

El Dorado County Jail

300 Forni RD.

Placerville Ca 95667

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

CALENDAR ADD-ON RE: FURTHER PROCEEDINGS

Date: 07/02/04 Time: 9:15 am Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F A,
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

=====

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

=====

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by Pro Per.

=====

The Defendant presents the following opposition
and requests it be filed in open court.
OPPOSITION TO PEOPLE'S REQUEST TO HAVE
THE COURT INVOKE PC 1368.
The Court orders the Opposition filed and reads it

=====

Regarding the People's request to have the
Defendant examined pursuant to Section 1368
of the California Penal Code:
The Court does not feel there has been enough
evidence to have the Defendant examined.
Discussion as on the record.
Motion is DENIED.

=====

The Court also finds the Defendant's motion is
not frivolous or vindictive.

=====

CUSTODY STATUS
Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

=====

Regarding the conditions of legal material in
Defendant's jail cell: the Defendant informs the
Court that "things have improved greatly".

=====

CC: DIST ATTY / RICHARD HAMLIN C/O JAIL

===== MINUTE ORDER END =====

Dispo

EL DORADO CO. SUPERIOR CT.

FILED

July 02, 2004

By

S. Bahlg
Deputy

Richard Hamlin
Pro-Per Defendant
300 Forni Rd.
Placerville, CA 95667

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF EL DORADO

THE PEOPLE OF THE STATE OF
CALIFORNIA

No. P04CRF0132

Plaintiff,

OPPOSITION TO PEOPLE'S
REQUEST TO HAVE THE
COURT INVOKE PC 1368

RICHARD W HAMLIN,

Hearing July 2, 2004
Time: 9:15 am

Defendant

Department: 2

The defense requests the denial of the People's frivolous and vindictive motion.

ARGUMENT & AUTHORITY

The defense believes that the prosecution is bringing a vindictive motion before the court, because the defense is not waiving time for the setting of trial. The prosecution's blatant misrepresentation and omission of material facts should be sanctioned.

This court and a previous court has found that I am "fully competent to represent himself". The people's motion only comes after I did not waive time. Penal Code Section 1368 can only be initiated, if due to a mental disorder, "the defendant is unable to understand the nature of the criminal proceedings or to assist counsel in the conduct of a defense in a rational manner." The court has already stated and recognized my ability to represent myself and as such "understand the nature of the proceedings against me".

The people claim I have a "delusional belief that a Satanic Cult headed by his father-in-law, had plans to have the defendant killed." The People deliberately and unethically omit material facts to the court that should have been included so as to not mislead.

The People have in their possession a written summary, of an hours long confession by Susan Hamlin, the Peoples chief witness against the defendant, wherein she states;

"Susan originally told me that she id a Satanist and has ritually molested their 4 children, including digital penetration under the instruction of her father (Sidney Siemer). Susan said her whole family is involved in a satanic cult..."-see attachment 1, case narrative 2/27/04 El Dorado County Sheriff's Office

The summary which was written by officer G. Murphy also includes,

"Susan said this statement was correct AND that her father Sidney and Howard had planned for the last two years to kill Richard(Hamlin) at midnight going into March 1st...Susan said March 21st is an installation date for Satanists. She said March 1st is 3 weeks prior to March 21st and is a starting or launching date for March 21st. The year 2004 is even more important since its a leap year.

"SUSAN DECIDED SHE WOULD GO ALONG WITH THE MURDER OF HER HUSBAND RICHARD SO THAT SHE COULD BECOME HIGH PRIESTESS."

The "delusional belief" was a product and came directly from the People's key witness. It appears that Ms. Ashworth has either forgotten or is so disorganized that she misplaced Susan Hamlin's taped confession.

Further, their key witness spoke to officers on 2/5/04 and told them the same Satanic cult murder plot, when I was taken to the hospital and Mrs. Hamlin was alone with law enforcement. The People have a summary of that confession and a audio tape as well.

The People further contend that I am under another delusional belief "that the victim, Susan Hamlin, was molested by her father". Unexplainably, the People actually claim, "Investigation into both delusional beliefs reveals that both are untrue." The last statement is simply a lie or so reckless that it has a disregard for the truth.

I have personally sent to the prosecution, 2 letters written by Susan Hamlin to her father confronting him about his life time of rape, molest and torture of her. I have additionally sent to the People, Ms Ashworth, hand written notes that were kept as work product for a book Susan Hamlin was going to write.

In a August 10, 2003 letter written by Susan Hamlin to her father, Sidney Siemer, she writes.

"The acts of rape were horrific, ...What do you think people will think of you when they learn what you did to me to make sure I never told anyone that you raped me repeatedly throughout my childhood?"

1
2 In Mrs. Hamlin's own hand written notes she writes,

3
4 "THAT SID WOULD PUT ME THROUGH THE PAIN OF WONDERING
5 IF MY FIRST BABY, RESULTED FROM SEX WITH HIM."

6 This and aprox. 120 additional pages of similar discovery was
7 sent to the Deputy District Attorney, Ms. Ashworth. Further,
8 Ms. Ashworth has another prosecution witness, Lisa Taylor Clum
9 that told detectives that Susan Hamlin told her that she
10 was raped by her father.

11 In the defense discovery, Susan Hamlin spent the last 18 months
12 writing to long lost friends and family to tell them she was
13 molested by her father and asked these individuals to help her
14 reconstruct her past. (she claimed that she had large blocks
15 of memory gaps).

16 Lastly, Sidney Siemer molested a 16 year old girl friend of
17 Susan Hamlin. That victim has been contacted and confirms that
18 she too was a child molest victim of Sidney Siemer. Further,
19 Susan Hamlin's sister Terri Aal has been in counseling for
20 years due to a belief that she was molested by her father, Sidney
21 Siemer.

22 Susan Hamlin's 2/26/04 confession was corroborated significantly
23 by newly found evidence that the People "forgot" to discovery
24 to the defense. On 6/30/04, Attorney Phil Cozens went to the
25 Sheriff's evidence room and located a written Kindergarten
26 project completed by my son Alec Hamlin. Alec is presently in
27 the 6th grade, so this document pre-dates this controversy by
28 6 years. The document states;

" I WISH MY MOM WOULD STOP LICKING ME"

On 2/26/04 Susan hamlin states;

"SHE GAVE FLICKS TO ALEC'S PENIS WITH HER TONGUE"

The only delusional thinking is being done by the People in
holding me unlawfully, while a confessed child molester is
protected by the prosecution.

The defense theory is simple; Susan Hamlin confessed to serious
crimes. She lied and placed blame on me to avoid prosecution.
For all of these reasons, the defense request the court deny
the People's request and sanction them for their frivolous motion.

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Respectfully,



Richard Hamlin

Pro-Per

June 30, 2004

El Dorado County Sheriff's Office

300 Fair Lane
Placerville, CA 95667

CA00900
Phone 530-621-5655
Fax 530-626-8163

Case Number
EG0402413

Date
02/27/04

Deputy
MURPHY G

CASE NARRATIVE

Synopsis:

Husband & wife reported wife committing lewd actions with 3 of their 4 children and wife conspiring with satanic cult to murder her husband. Wife interviewed & children placed into Protective Custody with CPS. Forward to Detectives for follow-up investigation.

Details:

2-26-04, Thursday, 1535 Hrs—I was dispatched to take a 288 lobby report. On arrival in the lobby, I met Richard Hamlin and his wife Susan. They made the following report regarding Susan molesting their children and being involved in a conspiracy to murder Richard this Sunday (2-29-04) night at midnight. Detectives Hoagland and Lensing were present during the interview.

Susan originally told me that she is a Satanist and has ritually molested their 4 children, including digital penetration under the instruction of her father (Sidney Siemer). Susan said her whole family is involved in a satanic cult and that her father had raped her when she was a young girl and "passed her around to whoever else wanted to rape her." She said Howard Mily who is a friend of her father and is a high priest in the satanic cult has molested her since age 15. Susan said she last spoke with Howard in October of 2003.

Richard said his wife Susan told him that her dad Sidney, Howard Mily, Richard Keehn and Rock Clum had planned to murder him on this Sunday night (2-29-04) at midnight at their house on 3340 Beatty Drive, EDH. Richard said the plan was for Susan to leave their house on Sunday night with their 4 children (Ryan, Alec, Clare & Jennifer) by 2100 hours. Sidney would have some associates stage a diversion in the backyard to draw Richard out of his house. Sidney, Howard, Richard and Rock would break Richard's car window, use his garage door remote to gain entry to the house and wait for Richard to come back inside the house to murder him.

Susan said this statement was correct and that her father Sidney and Howard had planned for the last 2 years to kill Richard at midnight going into March 1st. She also said that Lisa Clum told her that they had sent 2 Satanist ladies to the Hamlin's house in the disguise of Jehovah's Witnesses on the day he had an accidental shooting (2-5-04/ case #04-1516). Those ladies were supposed to be checking on Susan since Susan's phone was disconnected and she had not had contact with them for the previous year and a half. Susan said she believed that her father and the others would get weapons from her brother but did not know this for sure.

Susan said March 21st is an installation date for Satanists. She said March 1st is 3 weeks prior to March 21st and is a starting or launching date for March 21st. This year (2004) is even more important since it's a leap year. Susan decided she would go along with the murder of her husband Richard so that she could become High Priestess. She said Howard is the High Priest in the cult.

Susan said Richard has been identified as "a Christian with a mission" and "must be eliminated before his mission can be ignited." She said the Satanists consider Richard to be "a trophy Christian" and that if Richard is allowed to live, he would cause problems for the Satanists. Susan said that Richard "won't go away," is a Christian with strong convictions and "has become a trophy head." She said "it would be a great victory for Satan if Richard is killed." Susan said that simply divorcing Richard (as opposed to killing him) was not an option for her if she was to prove her worthiness as a High Priestess.

El Dorado County Sheriff's Office

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Placerville, CA 95667

CA0090C
Phone 530-621-5655
Fax 530-626-8163

Susan said she was supposed to speak with Lisa Clum (Taylor) at the Starbucks parking lot on Douglas Blvd in Granite Bay 2 days ago (2-22-04) regarding the murder plot because Susan's loyalty was in question. She said Lisa owns a blue Lexus and a red one. On arrival, Susan saw a red Lexus that looked like Lisa's parked in Starbucks' parking lot. As Susan stepped out of her car, a man named "Rock" punched her in her face, knocking her to the ground. Rock then kicked Susan all over her head and body. Rock then told Susan "YOU BETTER STAY WITH THE PLAN IF YOU WANT TO BE HIGH PRIESTESS! STICK TO THE PLAN OR YOU'RE DEAD!" Rock then got into the red Lexus, made a U-turn and drove off. She described Rock as being a WMA, 47 YO or older, some gray in his short hair and about 5-10.

Susan was bleeding from her nose. She didn't have a cell phone so she didn't call anyone. She sat there for a while because she was worried about going home and having to explain this to her husband Richard.

After about 20 minutes to an hour, Susan went home. Richard was asking questions about her injuries and what had happened. Susan hadn't told Richard about the murder plot until then. Richard then wanted to know all the details about the murder plot and her life during the past 20 years they had been married until he decided he had complete information. This process took 4 days since they knew "this story had a lot of crazy information" and "would sound ridiculous." They then decided to report this to the EDSO.

Susan said there are child porn and snuff film tapes in her dad's house in Fresno and in a self-storage center in Indio (Southern California). Susan said she started molesting her kids in Fresno in 1996 and that her dad Sidney taught her how to put her kids in a "trance like a hyper relaxed stage." She said that she last molested her kids in October, 2002. She said she molested Jennifer (age 6, Clare (age 8) and Alec (age 12).

Susan said she molested Alec, Clare and Jennifer 5-10 times each in El Dorado County between October 1999 and October of 2002. She said the kids were all asleep during each incident and did not wake up. Susan said she inserted her finger into Jennifer and Clare's vaginas and "touched Alec's penis." Susan put her hand inside the kids' clothing when touching them. She said the kids never woke up, complained of pain later and she never caused injuries.

Susan described her touching of Alec's penis as she "FINGER FLICKED ALEC'S PENIS." Alec never woke up and it was only for 2-5 minutes and "not an extended period of time." Susan said she did not do this for her sexual gratification and did not do this to sexually arouse any of her kids. She explained that "THIS WAS TO KEEP THE KIDS COMFORTABLE WITH TOUCHING AND TO KEEP THE KIDS FROM THINKING THEIR SEXUALITY WAS THEIR OWN. THE KIDS HAD TO BE TOUCHED BY MANY HANDS."

Susan again denied doing these acts for her sexual gratification or for the sexual arousal of her children. She said she "THOUGHT SHE WAS BEING A GOOD MOM." When I asked what she meant by that, Susan explained that her father had taught her that was what a good Satanist mom was supposed to do.

Susan explained that in Fresno, she gave flicks to Alec's penis with her tongue. I asked her if this would be consistent with oral sex and she said yes. Susan said she didn't flick the girls' vaginas with her tongue or insert any items into their vaginas. She said the kids were "in a trance, a hypnotic state" whenever she did any of these molesting incidents. Susan said that her dad Sidney, her step-mom and sister all molested her kids.

When we asked Susan if any of her kids knew about these incidents, she replied that in kindergarten in EDH, Alec's teacher had asked him to complete the sentence "I WISH MY

El Dorado County Sheriff's Office

300 Fair Lane
Placerville, CA 95667

CA00900
Phone 530-621-5655
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MOM_____." Alec completed the sentence by telling the teacher "WOULD STOP LICKING ME."

Susan also told us she witnessed a young girl being killed in 1982 while Howard Mily was disciplining her (Susan). Susan was "strung up on a pegboard for 3 weeks." She said Howard killed a young girl who had been kidnapped. Susan was kept in cold storage and brought out twice to witness the murder. Susan said Howard and the others broke the young girls' bones and tied her into different shapes. Susan said the girl was alive when the torture started. Susan described the girl as being 9 or 10 years old and having dark hair. Susan didn't know who the girl was but said the torture and murder was filmed.

At this point, Detective Hoagland, Detective lensing and I took a break. Based on Susan's admission that she had molested her children and the murder plot that was due to happen this weekend, I determined that the Hamlin children were not in a safe environment and needed to be placed in Protective Custody with CPS. I phoned on-call CPS worker Raven Emond who met Deputies Hammitt and Moccio at the Hamlin residence and accepted Protective Custody of the Hamlin children.

Detectives Hoagland, Lensing and I then re-interviewed Susan alone while tape recording the interview (item # 2). Susan waived her Miranda Rights and again made the same statement and confession during questioning. I confirmed with Susan that the bruising on her face, throat and ears was from the beating Rock had given her during their encounter at Starbucks in Granite Bay. I took photos of those injuries (item # 1).

Based on Susan's and Richard's information, Detective Hoagland, Detective Lensing and I decided not to arrest Susan, pending further investigation. I advised Richard and Susan that their children had been placed into Protective Custody with CPS and gave them CPS' phone #. Both were advised that they were free to go and that Detectives would be continuing the investigation.

I booked the photos and film into EDSD Property as evidence. I ran all of the names Susan had given us to develop more complete address information for Detectives on follow-up investigation. Case forwarded to Detectives for follow-up investigation of the murder conspiracy and interviews of the Hamlin children. I notified CPS Worker Kate Campbell of the case # and she advised she would pick up a report copy from Records on Monday for her CPS investigation.

Officers Involved:

G Murphy, Hoagland, Lensing, Moccio & Hammitt

Follow-up:

Copies to Detectives for follow-up investigation.

CPS Worker Campbell will pick up a copy of report from Records on Monday morning.

☒ Attachments

11166 P.C. form

☒ Victim, or Victim's Parent/Guardian advised of confidentiality, per PC 293

El Dorado County Sheriff's Office

300 Fair Lane
Placerville, CA 95667

04-2413

CA00900

Phone 530-621-5655

Fax 530-626-8163

Case Number

EG0401516

Date

02/05/04

Deputy

BUHMAN T

CASE NARRATIVE

Synopsis: I was dispatched to a report of an accidental gunshot injury. The male victim reports he and his family had received threats. Two women came to their residence to solicit literature for the watchtower. After the women left, the male victim began to follow while armed and discharged his handgun causing a self-inflicted gunshot wound.

Details: Thursday, February 5, 2004 1223 hrs.

I was dispatched to 3340 Beatty Dr. regarding an accidental gunshot injury. I recalled being at the residence before on a 911 hang-up check and a recent welfare check for CPS on the children at this residence. I requested an additional respond to this location. Deputies Applegate and Davidson responded to the scene and arrived several minutes before me.

Prior to my arrival, Deputy Davidson found a handgun in the driveway. He rendered the weapon safe and rendered a second handgun inside the residence safe. Refer to supplement report by Davidson.

The victim, Richard Hamlin, was found conscious and laying on the floor in the hallway between the foyer and the master bedroom. He had sustained a single gunshot wound to his right leg. Medics tended to Richard Hamlin and transported him to the UC Davis Medical Center. Richard stated that they had been receiving threats and were in fear of their safety. Two women had come to their front door, which he found to be suspicious. Fearing they were related to the threats he went to follow them while armed. While running out to the driveway he had accidentally shot himself in the leg.

At my request Deputy Applegate conducted a brief initial interview of the four children at the residence. Refer to supplement report for statements. I spoke with the wife, Susan Hamlin. In summary, she stated that she had been recalling repressed memories of which she states her father had sexually molested her as a child. She and her husband have contacted the Attorney General and investigators in Fresno to attempt prosecution of her father. Susan stated that her father, Sid, holds a high position in a satanic church/cult in the Fresno area. She said she was once involved with this cult as a child and had been molested. *

She said about one month ago she and Richard began receiving threats against them. The threats were from a Lisa Clum, an old High School friend from Fresno who was also connected to her father and the cult. She said that Clum now lives in the Granite Bay area where she operates a prostitution ring. Susan said that there had been a plan for them to be kidnapped and taken back to Fresno where they were to be killed. *

I saw that Susan had several bruises on her arms. Some were older, a yellowish brown color, and some were more recent, a purplish color. I specifically pointed to the older bruises on her arms and asked how she got them. Susan replied that Lisa Clum's husband, "Rock," had grabbed her by

102

4/22/03

Dear Dad,

This is a letter that I never thought I would choose to write. But, lately, (the past 3-4 years) I have been struggling with behaviors and moods that I can't explain. I have suffered from severe depression, thoughts of suicide, self-esteem problems, marital problems, problems socializing in all settings, including the work environment, etc. I have gone back and forth between concern for, or more accurately, fear of, your feelings in reading this letter and concern for my well-being if I did not write, and send, this letter. At this point, obviously, I have concluded that my need to *write* this letter has sufficient value. I have not yet, as I sit here writing, determined the value of my need to *send* it. (If you are reading this now, then I guess, not only do I have a need to verbalize my thoughts, but I also have a need for you to hear them. Any need I have for a response from you is a separate issue that I have not gotten to at this point.)

I have so many gaps in my memory of growing up – I have always wondered why. Terri has similar gaps. Layne recounts memories that are so foreign to me that I think he lived in another house. I have lived my life not ever letting others see the “real” me. I know that everyone does this to a certain extent. But I have always expended so much energy projecting an image of someone who is “acceptable” . . . always feeling that I had to hide something. While I expended such energy to keep others from finding out what was inside me – it really wasn't hard to keep it hidden, since I had no idea what it was that I was hiding.

I have been trying so hard to figure things out so that I can, at some point, relax and let down enough to actually experience life, i.e., really feel it – expose myself so that I could really experience life's feelings, instead of merely acting them out as I projected this more acceptable image of Susan. While my protective walls, my façade, kept the true ugliness safely hidden within, they have also unknowingly served to keep life out too. As you will read in any psych textbook, intimacy in a relationship is impossible to achieve without trusting another enough to let your true self be seen, i.e. exposing yourself to a point of vulnerability. Love is what results then, when in that vulnerability, you can draw strength from a confidence that you will still be, at a minimum, accepted, but even more than that (unbelievably so), affirmed and clung to still, i.e., loved. Isn't that the cliché – “unconditional love?”

In my case, exposing the grotesque ugliness that was me, so I thought, could only lead to being cast aside, abandoned, discarded, rejected, shunned, isolated . . . unloved. The result, of course, was ZERO self-esteem. How could I have possibly had any good thoughts of myself if disgust and disapproval were a *certainty* upon someone seeing behind my façade. Perfection of this façade as I went through childhood, then, was a necessity for my very survival, since dependent children would surely perish if abandoned. While this façade served me well, for the most part, in hiding the ugliness that I have always believed to be me, it is now hurting me, and those I love, much more than any good it is doing. It is affecting every relationship I have with those people in my life – my husband, my children, my siblings, my friends, any employer I have ever had, . . . and you. This façade has outlived its usefulness in my life; unfortunately,

however, it has taken on a life of its own. It is going to *protect* me whether or not I need or want it to. How do I turn it off? What was its source? Why is it so STRONG? About 4 or 5 years ago I remember thinking that I was finally really happy with my life. For the most part, I felt comfortable with who I was – I thought I had a healthy image of myself at long last. I had absolutely no desire to focus any attention backward in an attempt to figure out any baggage I might be carrying through life. I was happy and unaffected by any “baggage”.

This feeling of peace lasted for a couple of years. Then I started into a plunge that went deeper than anything I had previously experienced – e.g., the break-up of the family, Mom's suicide attempt and problems with alcohol, her death, post-partum depression, etc. Thoughts of suicide were not unfamiliar to me over the years, but the depth and intensity of this particular period of severe depression really scared me. I remember on a couple different occasions crying to Rick to please watch me closely – I was afraid of what I might do. It was, at that time, not just others' disapproval that was so devastating, it was that I couldn't even love myself. I was too “ugly” even for me to approve of. I thought I would be doing my family a favor if I died. I thought Rick should have someone better, and I thought, if I were dead, my kids would benefit from the absence of such a negative influence in their lives. This feeling of despair was so consuming and very scary. I really don't think it is a feeling that someone can empathize with if they have not experienced it. The healthy response, of course, would be “snap out of it”. But isn't that like saying to a painfully shy person (as I was) “just don't be shy”. It really wasn't a self-centered wallowing in self-pity. I think I would have fared much better if I could have been self-centered – at least that would indicate some sense of self that I was worth even that much concern.

Thankfully, something kept me from totally succumbing to despair and actually taking my life. And as the fight inside me slowly came back, I figured there must be something I needed to figure out. I didn't know how to frame the questions, though. And I knew that if I didn't ask the right question, there would be no way of coming up with the right answer. I spent a lot of time spinning my wheels trying to find answers to the wrong questions. I was continuously frustrated when discovering the answer to my questions failed to produce any change in my emotional health. I have been to counselors, I have read books, I have talked to people, I have spent time just trying to figure something out. I thought that the discovery that I have held this “ugly” image of myself all these years would, by itself, be so liberating. It was not just other people's approval that had such power over me, it was also my own and that, finally, was something that I had control of – or so it seemed. That it took me until mid-life to figure out what seems so simple did nothing to bolster my self-esteem, but I guess I'm OK with being a late bloomer. What really bothered me was that I was ineffective at changing my self-image, even with conscious effort. As I tried unsuccessfully several different ways to “undo” this disabling self-image, it occurred to me that before I could undo it, I needed to know where it originated. I started to re-phrase the initial questions. What was it about me that, if it were discovered, would be so repulsive to others that I would certainly be cast out? This is more than just being “self-conscious”. My ugliness must be kept hidden at any cost. When did this need to cover arise? Where did it come from? I still haven't

answered these starting point questions. So, very shortly after concluding that I needed to take this journey, my trip has stalled out. So now what?? Well, maybe if I tackled it from another side first, instead of so directly, I might at least be able to get a start. (More my style anyway.) I started looking again at memories that I do have, instead of racking my brain trying to remember something that I don't remember.

One memory that I never really gave a second thought to in the past, but that has begun to cause more concern for me lately, is one that you could shed some light on for me. I don't need help reconstructing the memory – that has always been very clear in my mind. What I do have a problem figuring out, as only you would know, is why it took place, whether it was an isolated event, and why nothing has ever been said about it. When I was 16, Jennifer Love and I planned to take a day trip to the beach. We planned to leave early in the morning so she spent the night at our house. We slept on the floor in the living room so we wouldn't wake everyone else so early. During the night I woke up, rolled over, and saw you sitting beside Jennie. I immediately felt awkwardness and said "you guys are being weird". Jennie did not say anything, but you said, "roll over and go back to sleep". I did as I was told. I don't remember thinking anything else about it that night or the next morning. It wasn't until Jennie and I were driving home from the beach the next evening that it was raised by Jennie. She told me that she had not wanted to say anything earlier because she didn't want to ruin our day, but she wanted to ask me something. She told me that you came in to where we were sleeping the night before and started rubbing her breasts. She didn't know what to do at the time, or what to think. She was confused and felt very awkward, as did I. She asked me if that was something that you did to me to help me get to sleep at night. I don't know if she asked that because it was something you told her, or if she was trying to explain it in some way that could maybe make some sense. My response was a very embarrassed "no". But I knew that was what was going on when I woke up during the night when I said the two of you were acting weird. I was so extremely embarrassed, confused, and deeply hurt and affected in ways that I couldn't begin to know. I can only guess about the resulting impact on Jennie. We never spoke of this incident again beyond this one brief conversation. As far as I know, you never explained or apologized to Jennie. I don't have any memory of you raising it in any way with me either. WHY? Because of your failure to address it, I was left with my own assumptions and their resulting impact. (As was Jennie.) I was hurt to the core by my assumption that my dad didn't love me – how could he love me if his actions evidenced a total disregard for any feelings I might have. When I woke up and said something, your dismissal of me made me feel like I didn't matter at all. And when you didn't say anything the next day, or ever, it just confirmed that you didn't care. Were you concerned at all that Jennie and I might talk, or that she might tell her parents? It was a crime you know. She was my best friend for all those years – I can't remember if she ever spent the night at my house again after that, if our friendship was affected, or if here suicide attempt was linked. I have thought about writing her, but thought I should start with you. A big thing that has come to me lately is why, with a clear memory of that night, I have thought of it as insignificant all this time. Looking at it differently now may be because Clare is at the age of spending the night at friends' houses now.

3674

So, all of a sudden, I had a need to write this letter. As I have been writing this for the last week or two, I have been immobilized by severe depression. My body has shut down. I can't drive without literally falling asleep at the wheel. I am freezing cold all the time and crying at the drop of a hat. What does this all mean??? I don't feel anger at all towards you. Perhaps that is odd – Rick thinks that is odd. He definitely feels angry – maybe it is a guy thing, or maybe the field he works in, or maybe feelings of a protective husband. But where is my protective daddy??? My feelings started being piqued as Clare is getting older. But I was your baby – what about that? This is my only memory so I am not making any accusations beyond what I clearly remember. But in my pain as an adult, I have to ask the question – did you sexually molest me as a child?? Is that why I have so few memories of growing up? I know that must be a horribly painful question to be asked. But it is just as painful, if not more so, to be asking it. As I said earlier, I feel no anger at all, only extreme pain and a desperate need for healing. If you can help me heal, as your baby still, won't you please answer my question with loving honesty? I am a wreck and, at this point, just trying to survive.

Your baby,

Susan

KEEP THE FEELING OF BEING
INCENSED THAT SID THOUGHT,
AND STILL THINKS, THAT I
WANTED IT - OR EVEN INITIATED
IT. — THAT SID WOULD

PUT ME THROUGH THE PAIN
OF WONDERING IF MY FIRST
PREGNANCY, MY FIRST BABY,
RESULTED FROM SEX W/HIM.

SPECIFICS FOR LTR TO SID:

DORKY AWKWARD GUY WHO ISN'T
COMFORTABLE W/HIMSELF - CAN'T
SMILE (PHOTO ALBUMS - HANDSOME GUY -
THAT IT WAS HE TAUGHT ^{ME} US TO SEE.

SIGNIFICANCE OF HIM BEING UNAWARE
OF REPPRESSED MEMORIES. HE WAS
OPERATING WITH THOUGHT THAT HE HAD
SOMETHING ON ME WHICH CAUSED ME TO
CHOOSE TO GO ALONG AND KEEP HIS
UGLY SECRET. W/OUT CONSCIOUS
MEMORY I COULDN'T BE MAKING SUCH
A CHOICE. NOW - WITH KNOWLEDGE I
CHOOSE TO CONFRONT AND TELL ALL.
EVEN STUFF AFTER OUT OF HIS HOUSE
AND MARRIED - WHAT HE THOUGHT WAS
LEVERAGE TO KEEP ME FEELING THAT I
WASN'T WORTH THE EFFORT

4/24

THE SECRET — ONLY EFFECTIVE AS
LEVERAGE IF I FEARED EXPOSURE —
WOULD ONLY FEAR IF 1) TRICK DIDN'T
KNOW OR 2) I FELT GUILTY AND
SHAMEFULLY RESPONSIBLE IE. NOT
A VICTIM.

HE THOUGHT HE HAD ME CONTROLLED
WHAT AN IDIOT. UNLESS A KNOWING
CHOICE TO GO ALONG WITH THINGS —
NOT A CHOICE AT ALL.

August 10, 2003

Sid,

Cliff
458 768 6344

Since we just found your motion for a restraining order in the bushes when we got home last night, it prompted me to re-read the letter I wrote you in April ? which, I might add, you so ?lovingly? attached as an exhibit to be included as a public record. After reading it, it dawned on me that, what was glaringly obvious to all but you, had been omitted. In all fairness to you, I feel compelled to clarify this written record that you are so meticulously compiling. You truly thought that you had me willingly in your web ? that I knowingly chose to participate in your repulsively deviant little ?games? of torture and control. I just couldn?t let the record stand if there was any possibility of confusion on this issue. So ? to be very clear ? YOU NEVER HAD ME. That my body was forced to participate, from my very beginning, and continuing on until April of this year, in acts so unbearable that, in order to survive (quite literally) things that were so against nature, my mind had to immediately delete all traces of each event that it sorted into this category. As supremely intelligent as you think you are, your plan had a fatal flaw ? you either had no knowledge of ?repressed memories?, or, more likely, you were aware of such a ?theory? and decided that ?it was all a bunch of ?hog-wash??. The latter sounds like you doesn?t it? Well ? here is a news flash for you, the fact that Sid Siemer doesn?t believe in something does not mean that it doesn?t exist in reality. The first clue you had was in your kitchen when I mentioned that I had so many gaps in my memories of childhood. We were specifically talking about when we lived on Colonial ? I was in junior high and high school. You got such an odd look on your face. You were studying my expression to see if I was just stupid, or if I was doing a really good job of playing along with ?the secret?. I was really convincing, wasn?t I? You were worried for only a second though, and recovered very well with your comment about Mom?s ?multiple? suicide attempts during that period in my life. Of course I would want to put those little unpleasanties out of my mind, you told me. The problem is that the version of the family myth that I was told was limited to only one such attempt ? and, now even that is in question since I have recently learned that, upon her release from the hospital a day or two later, she went to the YWCA ? a shelter for abused women, where she stayed for approx. 2 weeks.

And all the while I keep remembering more and more. . .

And did I tell you how glad I am that you have been so predictable. That you would take this private little matter to court gives me the opportunity I have wanted. In court, when you are asked questions, there will be a judge presiding to see to it that you answer. Oh, did your lawyers tell you that the judge has power over even YOU. The judge, of course, does expect you to tell the truth. Can you lie convincingly to an adult? How about to an adult with power over you? In any event, I expect nothing from the noise that will come out of your mouth. I do, however, look forward to watching you try to control yourself when Rick cross-examines you. I think I?ll bring my camera.

Your choice of forums for our first opportunity to discuss this ?secret? matter is

very PUBLIC. Since this is your motion, you are obviously not concerned about publicity. I welcome it. Newspapers, TV and radio could find this to be quite a human-interest story. Just wanted to thank you in advance in case I forget to in court. I am, however, wondering what has suddenly changed to make exposure of your ugly secret no longer life ending. Or is it that you think if you tell the story first, control remains yours since you can decide which version to tell. Convincing the court that one person is crazy is not impossible, however, it is also not easy. Convincing the court that all the witnesses are crazy is ridiculous. So, I'm looking forward to a good show.

What do you think people will think of you when they learn what you did to me to make sure I never told anyone that you raped me repeatedly throughout my childhood? The acts of rape were horrific, but you were able to trump even that. Your acts of cruelty and torture were effective control tactics with me, the cornerstone of which was to teach me [my place]. That, I did learn. I had the same value to you as did any other animal, no more, and no less. Animals are kept around only so long as they continue to please the master. But because this animal can speak, unpredictability exists ? you can never really be sure what they might just ?blurt out?. Control is what defines master, and control cannot exist where there is unpredictability. To regain control your lesson that day had to make certain that I thought long and hard before uttering a word (keep the secret), thus eliminating all unpredictability. You used a demonstration to accomplish this. My puppy that I so loved was the subject of your demonstration on that day ? do you remember? While holding her over the bathtub by the scruff of her neck, you took your jagged edged fishing knife from its leather case and sliced open her abdomen allowing her insides to run out into the tub. I got it. I understood that lesson and acted very predictably for a couple of years. It is hard for me to believe that I would have ever needed to be reminded of this lesson. Unfortunately, with my limited life experience at age 7, I didn't know that I was telling ?the secret? when I complained of severe pain during urination. Going [potty] wasn't the secret. Of course, what I couldn't know was that painful urination resulting from forced intercourse did expose the secret. This demonstration was more personally tailored. You tied me, naked and in a spread eagle position, on top of the table in the Adams St. house and, with your fishing knife, threatened to cut me as you had my puppy when we lived in Richmond.

It is no wonder to me anymore that I submitted to your control. It also now makes sense that I remained under your control well after becoming an adult since you never released me from your hold (i.e. the childhood lessons remained controlling). My survival of my past, however, is due to a coping mechanism which spared my child mind from remembering trauma which would have been too great to bare. This served as a life preserver which, thankfully, kept me afloat until I was strong enough to deal with the memories. I was sent a rescuer - Rick. Rick is my hero. Contrary to the propaganda that you have spread all these years, Rick is a good man. He has endured a lot as a result of your actions over the years, directly and indirectly as your distorted teachings come to him through me. I found myself acting on auto-pilot in ways that I was committed to changing, and I didn't know why. Until I remembered the distorted lessons that you taught me, I could not release myself from their controlling effect on my life.

It makes me retch to think that you actually believed that I would ever choose you. You have robbed me of my childhood, my innocence, my trust, my history, and more. But it stops now. You will not take anything more from me. My present and my future are mine.

On February 27, 2004 Detective [redacted] and I met with Lisa Clum at her Granite Bay residence. This interview was recorded. I then advised Lisa of the conspiracy to kill Richard and explained she and her husband Rock had been named by Susan as members of this cult and their involvement. The following is a summary of Lisa's statement.

Lisa said she has known Susan since they were in Junior High together, in Fresno. Lisa said she and Susan were good friends growing up and through high school. Lisa said she had no contact with Susan for about twenty years, until a high school reunion. She said they both then learned they lived fairly close to each other and agreed to see one another in the future. Lisa then told me, Susan has mentioned to her she was molested as a child by her father. Lisa said Susan revealed this to her during initial talks on the telephone. Lisa said Susan never mentioned anything about satanic cults, until the last time they spoke in January 2003. Lisa then told me she thought Susan had a normal childhood. She said Susan never indicated there were any problems at home. Lisa said, she did feel as if Susan's father was very dominating and her mother appeared depressed. Lisa said during their teenage years, she felt as if Susan was always holding something back from her. Lisa did say however, she never had any clue of abuse occurring in Susan's home.

Lisa told me she contacted Susan by telephone approximately nine years ago, asking Susan if she wanted to get together. Lisa said, at that time Susan expressed to her she was really busy and told Lisa she would call her back. Lisa said she knew Susan was an attorney. Lisa said once or twice a year she would call Susan to get together. She said Susan always told her she would get back to her, but never did.

Lisa said one day in either June or July of 2003 Susan called her. Lisa said, Susan wanted to talk with her regarding her childhood. Lisa said Susan was in tears as they talked on the telephone and she felt it was important to hear what Susan had to say. Lisa said they then talked on the telephone for about two hours. Lisa said, Susan asked her what she remembered about her, (Susan's) childhood. Lisa said, Susan told her she was starting to have repressed memories come forward and her husband "Rick" feels she should pursue these memories. Susan said her husband has been very supportive of her and again asked Lisa what she recalled about her childhood. Lisa said she told Susan she recalled her father as extremely dominant and did see her father at times being somewhat flirtatious. Lisa told me, at thirteen years old she thought this was strange behavior for a father. When asked, Lisa said she never saw Susan's father do anything inappropriate. She said this was

Discoveries - memories

tent out of tipped over slide - murderous scream
Dad there telling me to "never scream like that again!"
Raped. the next day at a new school I wet
myself in the gym. It hurt to go to the
bathroom so I didn't want to go. I went home
early. Dad came home shortly after -
stormed up the stairs and "taught"
me not to "tell the secret." I spoke to
teachers about the pain in going to the
bathroom - not thinking it had anything
to do w/ "the secret." The pain was from
the rape - which was repressed.

Dad was going to make sure I
understood from then on. He violently
shook me while dangling me out my
second story bedroom window while holding me
upside down by one ankle.

Adams St house. I changed schools
and we moved across town very
soon after.

I have always felt tainted - why?
 I had no problem acknowledging
 the victim label as applied to my
 childhood (only since the recent
 discovery that I was) but still felt
 tainted. How do the 2 reconcile?
 Until realizing that the victim
 status does not lift automatically
 at 18 I continued feeling tainted.
 Discovered that I was still being
 victimized as an adult (both after
 18 and after married) was extremely
 tainting. Must be my choice now.
 Mental and emotional control
 continued - and would until
 turned off. Either by him
 releasing me (never did) or
 by me rebuking him. I thought
 I did just that by writing my
 1st letter. Obviously didn't since
 I feel no difference - not empowered.

Couple years ago - thought I figured it
 out one night on the deck w/ Rick.
 The "ugly secret" was the "real me".
 I was sexual - that, I had been
 taught, was ugly - "gutter-slut." But
 that was taught by another - Wasn't

if now w/in "my" control w/ this new discovery? If I could accept and approve of myself (self-love) I should be "cured". If I thought I was OK - I would be OK.

Didn't work. Why?
I couldn't think I was OK until I had complete information on which to base such a conclusion. Until knowing about being molested by Sid, I couldn't erase the resulting taint I felt.

Once discovering I was molested I still couldn't erase the taint. What more was req'd?

Could victimisation as adult - I couldn't erase that taint because I couldn't believe it.

My mind switched to the black/white thinking here.

To accept myself as a sexual being I had to be able to accept myself as ugly - sexual was ugly. That was hard to dispel w/out knowing of the molest - Didn't know where the teaching was coming from - or why.

After filling in that gap, seeing myself as good, even tho sexual, was now harder. I then jumped to feelings of guilt/more ugliness. If I was sexual then I couldn't be a victim. I caused it because I was sexual.

Sexual = ugly nothing in between.
Total NON sexual = good.

to pay - no I'm not in the mood tonight - came out as NO I don't like sex.


Conversely - making a ^{conscious choice to do} a morally sexual activity was coming across (in my mind) I'm a gutter slut - just look at what I chose to do. Extreme guilt the next AM. Would then condemn all sexual behaviors.

To suggest your own sexual idea is the ultimate in choice. To agree to another's suggestion is lower in choice but higher than merely acquiescing to another suggestion.

Sid (Satan) has been so good at using normal, healthy, reasonable, appropriate, fair reactions and ^{human} needs (God given in fact) to accomplish his evil goals.

Important too, to strengthen myself at the same time by affirming that I am not stupid, hopelessly defective, and evil my own self, for being predictably, calculatedly, ~~reasonably~~ reasonably, humanly sucked into (played as a puppet) Sid/Satan's evil web of destruction.

I can't effectively turn things around to achieve our (Rick & me) desired result if I am feeling preverintained or crippled by the past. I have suffered real hurt from this bodysnatching past and must be motivated ^{to change} by both by a loving desire to stop the hurt to Rick and also to stop the continued abuse to me (i.e. it is OK to want to stop my hurt too).

 Affirm the trigger (ie. body snatching has just occurred), smile w/ confidence and strength, pull Sid back out of Rick's body and sit him in a chair with a birds eye view and shackles so he can't leave, and Meet RICK'S NEED with love and grace and beauty. 1st to fill Rick up and strengthen us, and 2nd to get back at Sid in that way by ~~forcing~~ torturing him - forcing him to see how he has failed to reach his goal of ruining us and ^{seeing} ~~being~~ ~~to~~ what he is being denied.

Only then will I be able to get back at Sid w/out spitting myself and hurting (unfairly) Rick whom I know I truly do love.

It is the body snatching that has caused the inconsistency - result in me doubting the realness of the times that I do feel real love for Rick. It is NOT that Rick is so much like Sid - but instead that

8/05/03

Dear ~~DAVE~~ **TAYNE**, Glen and Terri,

I know we all have been taught never to challenge or question Sid. I have certainly lived by that rule. That is why I know you know how hard it was for me to stand up and ask him why he sexually molested Jennie Love and if he had molested me also. I know none of you expected that I would get an honest answer - I didn't expect one either. But standing up to him and just asking the question was a necessary first step. None of the information necessary for healing will ever be forthcoming from Sid, nor would I trust it if it did. I did hope for more of a coming-together to share information between us though. We would all receive a benefit from supplementing each other's scarred memories. I volunteer to serve as the collection point for any information offered for sharing. I would then copy and disperse. A suggestion - don't try to figure out what information would be helpful (or not) and for whom, because there is no way to know. Chart out a timeline of your life with details (this was extremely difficult due to the overwhelming number of gaps in my memory); look through your baby book (Mom left many clues) and then pass it on, read through old letters saved by you or Mom (these letters will reveal your true feelings about what our family was really like, and it will differ from what you currently remember) and then pass them on, etc.

Rick and I will continue digging whether we have your help or not. It is important. And to dispell the rumors that I know Sid is spreading, this has been something that has been building inside of me for a number of years and has not been orchestrated by Rick. I am so thankful to have had his complete support and continued love through this horrible discovery process - but even more so through this learning and healing process. He has done some much to acquire information and make calls that I was too emotional to make, in addition to reading every book available on the subject. So for Sid to try to avoid responsibility for his actions by dumping it all on my husband has stuck through all the after-effects in me for 20 years is yet just another abuse. I feel horrible for being the one to have brought this into his life. Sid robbed me of my childhood, as it was nothing that I thought it was. Sid has hurt my husband by robbing from him the marriage relationship he was entitled to, had looked forward to, and was led to believe he was choosing, based on my completely false representations. His pain is as real as mine. Sid's ripple effects are widespread. The damage jumped into other families the day each of us married and has the potential to spread exponentially. Our children have been endangered and remain in danger - both from exposure to Sid directly, as well as indirectly as we unknowingly pass on the distorted teachings from Sid. It is for these reasons that I will never be able to forgive Sid or hold any kind memory of him.

It is because I believe that exposure of the many secrets and myths (lies) that stem from our family, is the only way that any of us can ever be able to effectively and knowingly make any true choices for our lives. I know that I have a very strong auto-pilot to my personality, which I imagine all people do. What causes me great concern is that I don't know the assumptions that it is acting on. Until I can identify those beliefs and values that my auto-pilot brings to bear on my life, I will continue to act in ways that I don't consciously choose to, even though I know that, at a conscious level, that particular act is one that is subject to my choosing.

We have attempted to put pressure on Sid by relaying facts that he knows to be true. It is our belief that if enough pressure is applied, Sid will break and finally admit the choices he has made and the person he is and has always been. We ALL know that will never happen if we confront him individually. It is not wrong for me to ask Sid for an explanation of his sexual molest of Jennie. It is not wrong for me to ask Sid if he sexually molested me. What is very wrong is everyone's compulsion to shift the focus away from the real issue - WHY is she asking the question?? And WHAT is his response?

Perhaps just as important, this is a fight that needs to be fought, and one that we can win. If Sid takes responsibility for those acts that have caused us suffering, the healing that we all need will come quicker and more fully.

You are probably saying to yourself that this new story that changes our childhood is not true (although without asking the why or the what mentioned above), or, even if true, why don't we leave things alone because it's in the past, or it's too painful. You are doing so because Sid taught us to react that way. We are all so adamant about not rocking the boat because Sid's enforcement of keeping the family secrets was horrific. I have remembered something that would put fear into an adult - and of course we were children at the time. In fact, many of our every day lives are still unknowingly being directed by the teachings of Sid. That is our auto-pilot(automatic responses, reactions without thought - mine is very strong and very pervasive).

YOU ARE PROTECTING THE SECRET. The truth is that Sid taught us that the secret was for our protection, because something about us was ugly (being extremely self-conscious was a result). In fact, the secret is Sid's ugliness. You may not want to get into this fight because of guilt about incest. You may not want to fight because Sid has told you that your secret of having sex with a sibling will be made known. Sex did occur between siblings as a result of Sid's victimization of us all. We did not lead a "normal" life and were taught lies as truths from birth.

WE WERE LIED TO. WE WERE USED. WE WERE EMOTIONALLY ABUSED.
WE WERE PHYSICALLY ABUSED. WE WERE TORTURED. WE WERE
MOLESTED. WE WERE CONTROLLED.

I know Sid is now spreading the lie that I am crazy. I know I'm not, but you may be wondering. That's fine...don't listen to me, just consider and ask yourselves the following:

DISTINGUISH BETWEEN YOUR ACTUAL MEMORY VS THE FAMILY MYTH TOLD TO YOU

1. Did Mom really attempt suicide?
 - a. Did she leave a suicide note?
 - b. If not, why would anyone assume that alcohol and valium would necessarily mean she attempted suicide?
 - c. What do hospital records reflect..was she in danger of actually dying?
 - e. where was dad?
 - f. why did she go to the YWCA - a SPOUSAL ABUSE SHELTER upon her release from the hospital?
 - g. why did Glen go with Mom in the ambulance?
 - h. isn't that against procedure to have a child ride along during a medical emergency?
 - i. where was Terri? If Glen rode with Mom, did they leave Terri home alone? I was babysitting that night. Where was Layne?
2. Why did Sid hit on Layne's girlfriends when he brought them over?
3. What about girls that Glen brought home?
4. Why did he call Layne a faggot when he stopped bringing girls by?
5. Did you know that Layne stopped bringing girls over as a result?
6. Lisa Taylor says Sid was very pleased that Layne stopped dating her and decided to ask Jennie Love out - almost as if Sid told him to date Jennie.
7. Did anyone ever confront Sid about this behavior? If not, why? Did we think this was right? What do we think now?
8. Why do we all have counseling needs?
9. Are bare-butt birthday spankings done in other families
10. being held down and "tickled" until gasping for air, and pleading for him to stop? Did he tickle up your legs to your crotch? Did his tickling go above the stomach area to your chest?
11. Why would Sid have me sit on his lap until 2 and 3 in the morning "talking"?
12. Sid talked to me about marital problems he and Mom had. He told me things about Mom to pit us against each other.
13. Why did Glen go talk to Sid at 4:30am after breaking up with Lisa? Did Sid hit on Lisa?

14. Did you know Sid hit on Lisa Taylor's mom?
15. Did Sid hit on Kirsten - the foreign student from Germany? Why did she claim that he made inappropriate sexual advances? Why did Sid obsess about it?
16. Why did Glen write in letters to me (during senior year) about the rage he and Layne had towards Sid?
17. Why did Nancy (Glen's old girlfriend) say that Sid was too touchy?
18. What do you remember about Howard and Millie? Did anyone go boating with Sid and Howard besides me and Terri?
19. What do you remember about Uncle Bob?
20. What do you remember about 451 Adams St. in Corvallis?
21. Why did I always have stomach every night after dinner. Why did I pretend to be asleep on the couch late afternoons and evenings?
22. I saw Sid's hands on Jennie Love's breasts when she spent the night. The next day she asked if he did that to me to help me go to sleep.
23. Why would Sid be naked in our presence as late as junior high?
24. Do you feel, or have you ever felt, that you have something to hide - something ugly or bad that you can't let anyone know?
25. Why don't we feel free to talk to Sid about any of the questions?
26. Has anyone heard of an Elizabeth Siemer? She is 2 years younger than me.

We have received a tremendous amount of information through kept letters, my baby book, calling old friends and relatives, the internet, old report cards and school records, public records, etc. If you don't want to help but would be willing to send copies of information you have, I would appreciate the opportunity to look at it.

All I am after is to regain control of my life. Sid has been in control for the first 46 years and he is not doing anything affirmative to turn it off. Obviously he is not going to if he hasn't by now. And that is not OK with me anymore. I have to identify all remnants of his control daily in order to know what to get rid of.

By the way, I just spoke with Lisa Taylor who suspected something was wrong with me and/or our family from Junior High & on. She also told me that Jennie confided in her about Sid's molest of her. She has continued to suffer as a result on into her adult life. We also obtained the actual divorce papers from Mom's divorce.

Good luck, love Susan.

RICHARD W. HAMLIN

ATTORNEY AT LAW

8880
SUIT
SACI

comcast

Welcome to Comcast High-Speed Internet

November

-6790
-6046
-6340

Service Center

MAIL

Message: 1 of 1

Signed in as: rmhamlin
Mailbox: rmhamlin on Comcast
Current Folder: INBOX

Get Email / Message List / Compose / Folders / Address / Mailboxes / Options

reply

reply to all

forward

delete

report as spam

previous

e-mail source

printable view

From: rmhamlin@comcast.net [[Save address](#)]

To: paulmredd@msn.com

Subject: Re: Mom's Letters

Date: Fri, 14 Nov 2003 01:51:43 +0000

Dear Chris,

I don't know if Alta has filled you in, but I've had a very difficult year. I have been dealing with, for the first time, the fact that my father molested me through out my life. Much of my memories were blocked, due to the trauma, until this past year. Other memories were always remembered, but I didn't place the appropriate significance on them because of Sid's "teachings". My husband and I were faced with the challenge of re-constructing my childhood memories. We were very successful because my Mom left me a box of old letters I had written and her extensive notes in baby books, ect. which gave me the corroboration that I so needed. That process has been so helpful and healing.

We contacted Alta, as part of that quest and wanted to find as much information on Sid as possible. Unfortunately, others have been devastated by him as well, both inside the family and beyond. I asked about you, because in talking about Mom I remembered how special you were to her. Alta mentioned that you had kept some of Mom's letters that she sent to you and that you had kept them. If they are not too personal, I would be so appreciative if you could send me copies. It would really mean alot to me.

I would love to talk to you. Unfortunately, a ripple affect of Sid's evil was the overflow into my relationship with Mom. You had a special place in her heart and I would love the opportunity to see her through your eyes in my attempt to bond with her anew, now that she is gone. God seems to have plans for my husband and I that are requiring our utmost attention. God has worked in mysterious ways with us. My contact with you seems to be just another example of His will. My sense is that there will be something of significance in those letters. My Mom left an abundance of clues and direction that so helped us in finding the truth. I have a feeling that she spread the clues widely to ensure their discovery.

My fax # is 916 933-1811. Or, if you want to mail them, my address is 3340 Beatty Dr., El Dorado Hills, CA 95762. My home phone is 916 939-1587. Oh, my last name is Hamlin!

Love Susan

Forwarded Message: -----

From: "Alta" <altapaul@bigvalley.net>

To: <rmhamlin@comcast.net>

Subject: Re:

Date: Fri, 7 Nov 2003 19:21:18 -0800

Dear Rick and Susan.....

* Brainwashing was that sex is ugly except w/ him. (eg. combing boy's hair) Mom reinforced with her own version of "sex is ugly" by her messages like: "lady's don't". Brainwashing submerged. So my conscious image of sex was "ugly" but OK. I married. The problems arose when, once married I thought I should be free and able to own sex as good. Did not discover until after 14 yrs of marriage that Dad's Brainwashing was still controlling me and the image was more confining than I knew. When I was first pregnant w/ Ryan I had great diff. telling people cuz it was saying I had sex. Major confusion & CRAZY

1 **GARY L. LACY**
District Attorney
2 El Dorado County
515 Main Street
3 Placerville, California 95667
Telephone: (530)621-6472

4
5 Attorneys for the Plaintiff
6
7

FILED
04 JUL -1 AM 8:28

EL DORADO COUNTY
SUPERIOR COURT

[Signature]
DEPUTY

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF EL DORADO

10 THE PEOPLE OF THE STATE OF
CALIFORNIA

11 Plaintiff,

No. P04CRF0132

REQUEST FOR COURT TO
EXERCISE ITS DISCRETION
PURSUANT TO PENAL CODE
SECTION 1368

12
13 RICHARD W HAMLIN,

14 Defendant.

Hearing: July 2, 2004
Time: 9:15 a.m.
Department: 2

15
16 The People hereby request that the Court exercise its discretion under Penal Code Section 1368
17 and order that the defendant undergo a psychiatric evaluation. This request is based on this
18 motion and any further oral argument that may be presented at the hearing.

19 PENAL CODE SECTION 1368

20 Penal Code Section 1368 states in summary that if the court has a doubt regarding the
21 mental competence of the defendant, the court may on its own motion recess the proceedings
22 until the question of competence has been addressed. Mental competence is defined in Penal
23 Code Section 1367 as meaning "... as a result of mental disorder or developmental disability,
24 the defendant is unable to understand the nature of the criminal proceedings *or to assist counsel*
25 *in the conduct of a defense in a rational manner.*" (emphasis added)

26 In the present case, the People raise this request because the defendant is acting as his
27
28

1 own attorney and based on reports and other discovery, it appears that the defendant is acting
2 under a delusional belief that a Satanic Cult, headed by his father-in-law, had plans to have the
3 defendant killed. Additionally, the defendant is also under the belief that the victim, Susan
4 Hamlin, was molested by her father and that she has repressed memories as to those events.
5 Investigation into both delusional beliefs reveals that both are untrue.

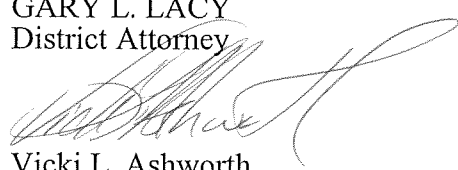
6 Of concern to the People in this case is defendant's ability to assist in his defense in a
7 rational manner, especially since he is acting as his own attorney. Additionally, should a
8 conviction be achieved in this case, the very question raised here - that of defendant's
9 competence - would be of immediate concern to an appellate court on the issue of
10 effectiveness/competency of counsel since the defendant is representing himself. The People are
11 merely seeking to protect the record on appeal and protect any conviction in this case.

12 Based on the above argument, the People respectfully request that this Court suspend
13 proceedings and have the defendant evaluated pursuant to Penal Code Section 1368.

14 Dated: June 30, 2004

Respectfully Submitted,

15 GARY L. LACY
16 District Attorney

17 
18 Vicki L. Ashworth
19 Deputy District Attorney
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA)
)
County of El Dorado)

PEOPLE vs. RICHARD W HAMLIN,

DOCKET #: P04CRF0132

DA # 04-03-001499-1


I am a citizen of the United States and a resident of the County of El Dorado. I am over the age of eighteen years and not a party to the within entitled action; my business address is 515 Main Street, Placerville, CA 95667.

On June 30, 2004 I served the within REQUEST FOR COURT TO EXERCISE IT'S DISCRETION

on the parties in said action, by faxing a a true copy thereof to PHILIP COZENS, ESQ., at Fax Number: 916 443-1511.

I, the undersigned, declare under penalty of perjury, that the foregoing is true and correct.

Executed on June 30, 2004 at Placerville, California.



DENISE LONG

EL DORADO COUNTY SHERIFF'S OFFICE
SHERIFF JEFF NEVES

MEMORANDUM

TO: Inmate Hamlin
FROM: Lt. Lane *Lt. Lane*
SUBJECT: Pro Per Status
DATE: June 25, 2004



Per our discussion this date, the following are guidelines regarding your pro per status:

You will be allowed daily access to the law library as needed per your request. These requests should be written on an inmate request slip and turned in to staff as soon as you are aware of the need. Be cognizant that there may be times in which the library is in use and you may need to wait prior to entering.

The two legal runners assigned to you per court order, Brad Hamlin and Larry Arkus will be allowed professional visiting status, however will be only allowed to visit during regular visiting hours. Paralegal Dubach, Attorney Cozens, Attorney Holt and Investigator Gunderson will be allowed to visit as per the confidential visiting policy. This allows visitation except when the jail is in lockdown status. If you are in the middle of a confidential visit during mealtime you have the option of refusing the meal and continuing the visit. Depending on the volume of traffic for the attorney visiting booths, there may be times when your visit is terminated.

As per our agreement, you will be allowed two cardboard file boxes in your cell to categorize your materials. You have agreed to remove anything not needed at the immediate time for storage in the law library. This may be done through Officer Gilmer or the rover officer (the second file box must be obtained from Officer Gilmer). Excess legal materials will not be taken from the cell without my express directive to staff.

We have discussed the possibility of viewing videotape with Attorney Cozens; should that become a necessity, contact Officer Gilmer or myself.

You will be allowed to listen to audiotapes as needed in the law library. Your runners or second-chair will need to bring a cassette recorder and the tapes as needed.

If there are any questions, please contact Officer Gilmer or myself for assistance.

Cc: Inmate File

Briefing

Court

Reception

Officer Gilmer

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

EX-PARTE MINUTE ORDER RE: LEGAL MATERIALS IN JAIL CELL

Date: 06/23/04 Time: 1:30 pm Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F A
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter (not reported)

Regarding the Defendant's request to have
access to legal paperwork in his jail cell:
The Court conferred with Lt. Pam Lane at
the El Dorado County Jail via phone and Lt.
Lane informed the Court she would contact
Def. Richard Hamlin regarding his concerns.
If the Defendant is still dissatisfied - he can
bring a motion before the Court.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.
Hearing is ordered Off Calendar

cc: DIST ATTY / JAIL (FAX - ATTN. LT. PAM LANE)
RICHARD HAMLIN C/O EL DORADO CO. JAIL

===== MINUTE ORDER END =====

Dispo

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF EL DORADO**

DATE: June 23, 2004 TIME: n/a PRESENT HON. DOUGLAS C. PHIMISTER
(x) JUDGE () TEMP. JUDGE () COMMISSIONER
COURT REPORTER: n/a JUDICIAL ASSISTANT: Dana Stump

PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff,

vs

Richard Hamlin
Defendant

MINUTE ORDER

ACTION NO: P03CRF0132

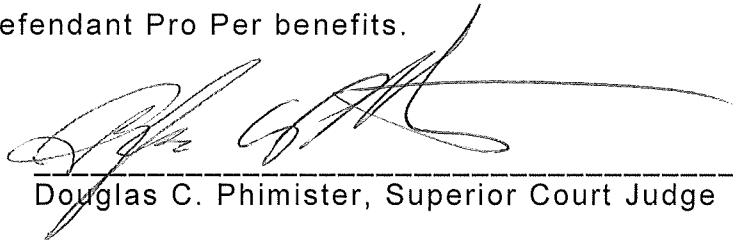
ORDER RE: PRO PER STATUS

On June 10, 2004 the above named defendant made an oral motion before the court to be allowed to proceed in Pro Per status.

The motion was granted.

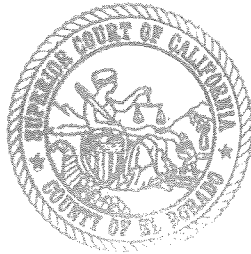
The court directs the jail to provide the defendant Pro Per benefits.

June 23, 2004



Douglas C. Phimister, Superior Court Judge

Cc: Richard Hamlin



Case No. 1 Sept 2

Mon 6/14/04

To the Honorable Douglas C. Phimister:

I hate to Bother you, But the Jail
Needs something in Writing that CONFIRMS that
I Was Accorssed Pro-Per Status, at my last
Court apperance on 6/10/04.

I cannot Be given Pro-Per Benefits
untill the Jail Recieves such notice.

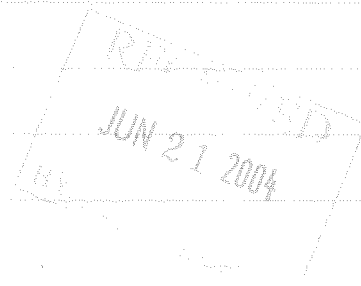
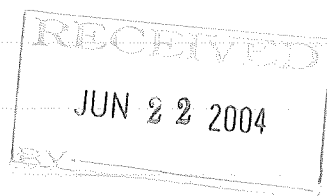
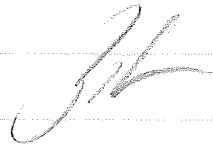
FILED My Case # is P04CRFD132

JUN 22 2004

EL DORADO CO. SUPERIOR COURT
BY  (DEPUTY)

Thank you For your time

Richard Hamlin



SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
495 Main Street
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

ARRAIGNMENT ON INFORMATION

Date: 06/21/04 Time: 9:15 am Dept/Div: 2

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge EDDIE T. KELLER presiding
Clerk: Dahlgren S.
Court Reporter DeLacy K.
Bailiff K. SCHMALZ

Deputy District Attorney V. ASHWORTH present.
Defendant is present IN CUSTODY.
Defendant is represented by Pro Per.

Information is filed today in court.
Defendant is provided with a copy of the Information filed
herein on 06/21/2004.
Counsel provided with a copy of the Reporter's Transcript of
Preliminary Hearing or Waiver.
Defense acknowledges receipt of the Information, waives reading
and stipulates the defendant advised of his/her constitutional
rights.

PLEA
Defendant pleads NOT GUILTY to all counts.
Defendant DENIES all enhancements.

The Court discusses with the Defendant the
issue of him representing himself and the
possible pitfalls of such.
The Defendant informs the Court he has hired
Atty. Phillip Cozens as "2nd chair" to himself.
As the Defendant is an attorney - the Court finds
he is fully competent to represent himself and
the Court recognizes the Defendant as his own
Counsel Of Record.

The Court grants the prosecution's INFORMAL REQUEST FOR
DISCOVERY PER PC 1054 and ORDERS it MUTUAL.

Time is NOT waived.
Readiness and Settlement Conference set for 07/26/2004 9:15 in
Dept. 2
Jury Trial set for 08/03/2004 at 9:30 in Department 2.
Estimated length of trial is 12 days.

Case Number : P04CRF0132

People vs. RICHARD HAMLIN

The Defendant gives the Court an ex-parte
request re: jail runners.
Oral motion on behalf of Defendant RE: have legal runners
recognized.

Motion is GRANTED.

The Court will recognize legal runners: Brad
Hamlin and Larry Arkus.

The Court also recognizes a Paralegal; Kim Dubach
at the Defendant's own expense.

Also Investigator Ted Gunderson.

The Jail will be notified.

Defendant requests "hours of tapes" and the
interview of his wife from Feb. 2004 and
states he was given a summary of the interview.
The Defendant says he is indigent and requests
also transcripts of the interviews at court cost.
The Court needs a statement of indigency etc.
The Court asks the People to try and get as
much discovery to the Defendant before the
time frame of 30 days before trial.

The Defendant requests all his legal paperwork
be allowed to be kept in his cell.

The Court tells the Defendant to bring a motion.

The Court offers to set up a conference call
with Lt. Lane and the Defendant to resolve the
issue.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

CC: DIST ATTY / RICHARD HAMLIN C/O JAIL
JAIL (FAX)

===== MINUTE ORDER END =====

Dispo

June 21, 2004

Judge Keller;

I was granted Pro-Per status at my last court date of 6/10/04 in Department 7. Unfortunately, without that order in writing, the jail will not grant my Pro-Per status and ~~priviledges~~ privileges. Therefore, I am requesting the court to acknowledge my Pro-Per status and send written acknowledgement to the El Dorado County jail.

Further, I have been advised that I must have the court approve the names of my runners and investigators. I am requesting that Brad Hamlin be acknowledged as my first runner. I am requesting the services of a second runner, due to the complexity of the case and the number of witnesses and pages of discovery. The second runner would be Larry Arkus. I am requesting acknowledgement of a para-legal.; Kim Duback who has served in this capacity for me in the past in my private practice. Lastly, I am retaining Phil Cozens as co-counsel, my second chair.

I am not asking the court for any funds in regards to these individuals, only written acknowledgement for the jail's purposes. This acknowledgement will allow these individuals to meet with me under the protection of a "Legal Visit", which is vital to my defense of the charges brought against me.

I further request, the court to approve my designation of an investigator at a future time. We are still in the process of making our selection and this court order will expedite my ability to meet and work with that individual.

Lastly, the jail has limited the amount of Legal paperwork that I can keep in my cell. In order, to defend myself, I must have access to all files, documents and other items relating to my case. The jail's restriction interferes with my ability to adequately defend myself. The jail's concern is that such documents may be a "fire danger". I would like to note that as an inmate of El Dorado County we do not have access to matches or lighters and there are no electrical outlets in our cells. The jail's concern must be weighed against the constitutional right to defend myself against a life term.

Thank you for your time and consideration;
Richard Hamlin

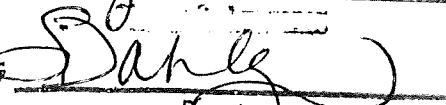
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EL DORADO CO. SUPERIOR CT.

FILED

June 21, 2004

By


Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF EL DORADO

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

RICHARD W HAMLIN,

Defendant.

DKT #: P04CRF0132

DA #: 04-03-001499

DEPARTMENT 2

INFORMATION

The District Attorney of El Dorado County, based upon information and belief, hereby alleges:

COUNT I

On or between the 1st day of June, 2003, and the 28th day of February, 2004, in the County of El Dorado, the crime of TORTURE, in violation of PENAL CODE SECTION 206, a Felony, was committed by RICHARD W HAMLIN, who did unlawfully and with the intent to cause cruel and extreme pain and suffering for the purpose of revenge, extortion, persuasion and

for a sadistic purpose, inflict great bodily injury, as defined in Penal Code section 12022.7, upon
Susan Hamlin

COUNT II

On or about the 22nd day of February, 2004, in the County of El Dorado, the crime
of CORPORAL INJURY TO SPOUSE/COHABITANT/FORMER COHABITANT/CHILD'S
PARENT, in violation of **PENAL CODE SECTION 273.5(a)**, a Felony, was committed by
RICHARD W HAMLIN, who did willfully and unlawfully inflict corporal injury resulting in a
traumatic condition upon Susan Hamlin, who was the spouse of the defendant.

"NOTICE: To defendant and defendant's attorney of record; be advised that pursuant to California
Evidence Code Section 1109, the people intend to introduce evidence of any prior act(s) of
domestic violence committed by the defendant."

SPECIAL ALLEGATION - GBI - DOMESTIC VIOLENCE

It is further alleged, within the meaning of Penal Code section 12022.7(e), that in the commission
of the above offense, the said RICHARD W HAMLIN, personally inflicted great bodily injury
upon Susan Hamlin under circumstances involving domestic violence.

"NOTICE: This offense is a serious felony and a violent felony within the meaning of Penal Code
sections 1192.7(c)(8) and 667.5(c)(8).

COUNT III

On or about the 22nd day of February, 2004, in the County of El Dorado, the crime
of DISCHARGE OF FIREARM WITH GROSS NEGLIGENCE, in violation of **PENAL CODE
SECTION 246.3**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and
unlawfully discharge a firearm in a grossly negligent manner which could result in injury and death

to a person. It is further alleged that the above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

COUNT IV

On or about the 22nd day of February, 2004, in the County of El Dorado, the crime of TERRORIST THREATS, in violation of **PENAL CODE SECTION 422**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully threaten to commit a crime which would result in death and great bodily injury to Susan Hamlin, with the specific intent that the statement be taken as a threat. It is further alleged that the threatened crime, on its face and under the circumstances in which it was made, was so unequivocal, unconditional, immediate and specific as to convey to the victim a gravity of purpose and an immediate prospect of execution. It is further alleged that the said victim was reasonably in sustained fear of his/her safety and the safety of his/her immediate family.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)."

SPEC ALLEG-ARMED WITH FIREARM

It is further alleged that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm(s), to wit, -handgun, said arming not being an element of the above offense, within the meaning of **PENAL CODE SECTION 12022(a)(1)**.

COUNT V

On or about the 27th day of February, 2004, in the County of El Dorado, the crime of TERRORIST THREATS, in violation of **PENAL CODE SECTION 422**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully threaten to commit a crime which would result in death and great bodily injury to Susan Hamlin, with the specific intent

1 that the statement be taken as a threat. It is further alleged that the threatened crime, on its face and
2 under the circumstances in which it was made, was so unequivocal, unconditional, immediate and
3 specific as to convey to the victim a gravity of purpose and an immediate prospect of execution.
4 It is further alleged that the said victim was reasonably in sustained fear of his/her safety and the
5 safety of his/her immediate family.

6 "NOTICE: The above offense is a serious felony within the meaning of Penal Code
7 Section 1192.7(c)."

8
9
10 **SPEC ALLEG-ARMED WITH FIREARM**

11
12 It is further alleged that in the commission and attempted commission of the above
13 offense a principal in said offense was armed with a firearm(s), to wit, handgun, said arming not
14 being an element of the above offense, within the meaning of PENAL CODE SECTION
15 12022(a)(1).

16
17 **COUNT VI**

18 On or about the 27th day of February, 2004, in the County of El Dorado, the crime
19 of CORPORAL INJURY TO SPOUSE/COHABITANT/FORMER COHABITANT/CHILD'S
20 PARENT, in violation of **PENAL CODE SECTION 273.5(a)**, a Felony, was committed by
21 RICHARD W HAMLIN, who did willfully and unlawfully inflict corporal injury resulting in a
22 traumatic condition upon Susan Hamlin, who was the spouse of the defendant.

23
24 "NOTICE: To defendant and defendant's attorney of record; be advised that pursuant to California
25 Evidence Code Section 1109, the people intend to introduce evidence of any prior act(s) of
26 domestic violence committed by the defendant."
27
28

COUNT VII

On or between the 1st day of February, 2004, and the 22th day of February, 2004 in the County of El Dorado, the crime of CHILD ABUSE AND ENDANGERMENT, in violation of **PENAL CODE SECTION 273a(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully, under circumstances likely to produce great bodily harm and death, did cause and permit a child, R.H, to suffer unjustifiable physical pain or mental suffering or to be placed in such situation that his/her person and health may be endangered.

COUNT VIII

On or between the 1st day of February, 2004, and the 22th day of February, 2004, in the County of El Dorado, the crime of CHILD ABUSE AND ENDANGERMENT, in violation of **PENAL CODE SECTION 273a(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully, under circumstances likely to produce great bodily harm and death, did cause and permit a child, A.H, to suffer unjustifiable physical pain or mental suffering or to be placed in such situation that his/her person and health may be endangered.

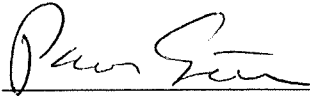
COUNT IX

On or between the 1st day of February, 2004, and the 22th day of February, 2004, in the County of El Dorado, the crime of CHILD ABUSE AND ENDANGERMENT, in violation of **PENAL CODE SECTION 273a(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully, under circumstances likely to produce great bodily harm and death, did cause and permit a child, C.H, to suffer unjustifiable physical pain or mental suffering or to be placed in such situation that his/her person and health may be endangered.

Dated this 21 day of June, 2004

GARY L. LACY
District Attorney

By:



PAUL SUTHERLAND
Assistant District Attorney

dl

EL DORADO CO. SUPERIOR CT.

FILED

June 21, 2004

By

[Signature]
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF EL DORADO

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

RICHARD W HAMLIN,

Defendant.

DKT #: P04CRF0132

DA #: 04-03-001499

DEPARTMENT 2

INFORMATION

The District Attorney of El Dorado County, based upon information and belief, hereby alleges:

COUNT I

On or between the 1st day of June, 2003, and the 28th day of February, 2004, in the County of El Dorado, the crime of TORTURE, in violation of PENAL CODE SECTION 206, a Felony, was committed by RICHARD W HAMLIN, who did unlawfully and with the intent to cause cruel and extreme pain and suffering for the purpose of revenge, extortion, persuasion and

for a sadistic purpose, inflict great bodily injury, as defined in Penal Code section 12022.7, upon Susan Hamlin

COUNT II

On or about the 22nd day of February, 2004, in the County of El Dorado, the crime of CORPORAL INJURY TO SPOUSE/COHABITANT/FORMER COHABITANT/CHILD'S PARENT, in violation of **PENAL CODE SECTION 273.5(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully inflict corporal injury resulting in a traumatic condition upon Susan Hamlin, who was the spouse of the defendant.

"NOTICE: To defendant and defendant's attorney of record; be advised that pursuant to California Evidence Code Section 1109, the people intend to introduce evidence of any prior act(s) of domestic violence committed by the defendant."

SPECIAL ALLEGATION - GBI - DOMESTIC VIOLENCE

It is further alleged, within the meaning of Penal Code section 12022.7(e), that in the commission of the above offense, the said RICHARD W HAMLIN, personally inflicted great bodily injury upon Susan Hamlin under circumstances involving domestic violence.

"NOTICE: This offense is a serious felony and a violent felony within the meaning of Penal Code sections 1192.7(c)(8) and 667.5(c)(8).

COUNT III

On or about the 22nd day of February, 2004, in the County of El Dorado, the crime of DISCHARGE OF FIREARM WITH GROSS NEGLIGENCE, in violation of **PENAL CODE SECTION 246.3**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully discharge a firearm in a grossly negligent manner which could result in injury and death

to a person. It is further alleged that the above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

COUNT IV

On or about the 22nd day of February, 2004, in the County of El Dorado, the crime of TERRORIST THREATS, in violation of **PENAL CODE SECTION 422**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully threaten to commit a crime which would result in death and great bodily injury to Susan Hamlin, with the specific intent that the statement be taken as a threat. It is further alleged that the threatened crime, on its face and under the circumstances in which it was made, was so unequivocal, unconditional, immediate and specific as to convey to the victim a gravity of purpose and an immediate prospect of execution. It is further alleged that the said victim was reasonably in sustained fear of his/her safety and the safety of his/her immediate family.

“NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c).”

SPEC ALLEG-ARMED WITH FIREARM

It is further alleged that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm(s), to wit, -handgun, said arming not being an element of the above offense, within the meaning of **PENAL CODE SECTION 12022(a)(1)**.

COUNT V

On or about the 27th day of February, 2004, in the County of El Dorado, the crime of TERRORIST THREATS, in violation of **PENAL CODE SECTION 422**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully threaten to commit a crime which would result in death and great bodily injury to Susan Hamlin, with the specific intent

1 that the statement be taken as a threat. It is further alleged that the threatened crime, on its face and
2 under the circumstances in which it was made, was so unequivocal, unconditional, immediate and
3 specific as to convey to the victim a gravity of purpose and an immediate prospect of execution.
4 It is further alleged that the said victim was reasonably in sustained fear of his/her safety and the
5 safety of his/her immediate family.

6 "NOTICE: The above offense is a serious felony within the meaning of Penal Code
7 Section 1192.7(c)."

8
9
10 **SPEC ALLEG-ARMED WITH FIREARM**

11
12 It is further alleged that in the commission and attempted commission of the above
13 offense a principal in said offense was armed with a firearm(s), to wit, handgun, said arming not
14 being an element of the above offense, within the meaning of PENAL CODE SECTION
15 12022(a)(1).

16
17 **COUNT VI**

18 On or about the 27th day of February, 2004, in the County of El Dorado, the crime
19 of CORPORAL INJURY TO SPOUSE/COHABITANT/FORMER COHABITANT/CHILD'S
20 PARENT, in violation of **PENAL CODE SECTION 273.5(a)**, a Felony, was committed by
21 RICHARD W HAMLIN, who did willfully and unlawfully inflict corporal injury resulting in a
22 traumatic condition upon Susan Hamlin, who was the spouse of the defendant.

23
24 "NOTICE: To defendant and defendant's attorney of record; be advised that pursuant to California
25 Evidence Code Section 1109, the people intend to introduce evidence of any prior act(s) of
26 domestic violence committed by the defendant."
27
28

COUNT VII

On or between the 1st day of February, 2004, and the 22th day of February, 2004 in the County of El Dorado, the crime of CHILD ABUSE AND ENDANGERMENT, in violation of **PENAL CODE SECTION 273a(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully, under circumstances likely to produce great bodily harm and death, did cause and permit a child, R.H, to suffer unjustifiable physical pain or mental suffering or to be placed in such situation that his/her person and health may be endangered.

COUNT VIII

On or between the 1st day of February, 2004, and the 22th day of February, 2004, in the County of El Dorado, the crime of CHILD ABUSE AND ENDANGERMENT, in violation of **PENAL CODE SECTION 273a(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully, under circumstances likely to produce great bodily harm and death, did cause and permit a child, A.H, to suffer unjustifiable physical pain or mental suffering or to be placed in such situation that his/her person and health may be endangered.

COUNT IX

On or between the 1st day of February, 2004, and the 22th day of February, 2004, in the County of El Dorado, the crime of CHILD ABUSE AND ENDANGERMENT, in violation of **PENAL CODE SECTION 273a(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully, under circumstances likely to produce great bodily harm and death, did cause and permit a child, C.H, to suffer unjustifiable physical pain or mental suffering or to be placed in such situation that his/her person and health may be endangered.

Dated this 21 day of June, 2004

GARY L. LACY
District Attorney

By:



PAUL SUTHERLAND
Assistant District Attorney

dl

GARY L. LACY
State Bar No. 108444
District Attorney
El Dorado County
515 Main Street Placerville, CA 95667

Attorneys for Plaintiff

FILED

June 21, 2004
Dahlgren

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF EL DORADO

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

RICHARD W HAMLIN,

Defendant.

DKT #: P04CRF0132

DA #: 04-03-001499

ORDER PURSUANT TO

PENAL CODE

SECTION 1054(B)

REQUIRING DISCOVERY

DEPARTMENT 2

Request for discovery/disclosure pursuant to Penal Code section 1054.3(a)(b) having been made by Plaintiff and Defendant not having complied therewith by failing to provide the materials requested within 15 days thereafter:

IT IS HEREBY ORDERED THAT:

The following items be immediately disclosed:

1. The names and addresses of persons, other than the Defendant, counsel or Defendant intends to call as witnesses at trial.
2. Any relevant written or recorded statements of the persons in #1 above and/or reports of the statements of such persons.
3. Any reports or statements of experts made in connection with this case, including, but not limited to, the results of physical or mental examinations, scientific tests, experiments, or comparisons which the Defendant or counsel intend to offer as evidence at the trial of this case.
4. Any "real", i.e. tangible or physical, evidence which the Defendant or counsel intends to offer in evidence at the trial.

GARY L. LACY
State Bar No. 108444
District Attorney
El Dorado County
515 Main Street
Placerville, CA 95667

Attorneys for Plaintiff

FILED

June 21, 2004
Shah

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF EL DORADO

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

RICHARD W HAMLIN,

Defendant.

DKT #: P04CRF0132

DA #: 04-03-001499

INFORMAL REQUEST FOR
PROSECUTION DISCOVERY
SECTIONS 1054.3,
1054.5(A)(B)

DEPARTMENT 2

TO THE JUDGE OF THE SUPERIOR COURT, AND COUNSEL FOR DEFENDANT:

PLEASE BE INFORMED that the Office of the District Attorney of El Dorado County, acting of behalf of the Plaintiff, The People of the State of California, request discovery/disclosure of the following items from the Defendant and Counsel in this case pursuant to Penal Code Section 1054.3(a) and (b):

1. The names and addresses of persons, other than the Defendant, counsel or Defendant intends to call as witnesses at trial.

2. Any relevant written or recorded statements of the persons in #1 above and/or reports of the statements of such persons.

3. Any reports or statements of experts made in connection with this case, including, but not limited to, the results of physical or mental examinations, scientific tests, experiments, or comparisons which the Defendant or counsel intend to offer as evidence at the trial of this case.

4. Any "real", i.e. tangible or physical, evidence which the Defendant or counsel intends to offer in evidence at the trial.

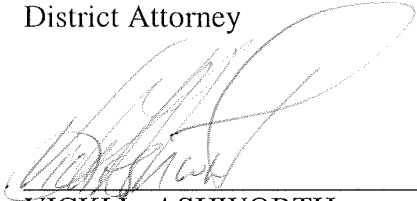
PLEASE TAKE NOTICE that pursuant to the provisions of Penal Code section 1054.5(b) if the above material and information requested is not provided to counsel for the Plaintiff within 15 days of this request a court order will be sought to promptly enforce the provisions of Penal Code section 1054.3. Please provide the foregoing information and continue to disclose this information immediately upon it becoming known to you, pursuant to Penal Code sections 1054.5 and 1054.7.

Dated: 4/21/04

Respectfully submitted,

GARY L. LACY
District Attorney

By:


VICKI L. ASHWORTH
Deputy District Attorney

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
2850 Fairlane Court
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

PRELIMINARY HEARING

Date: 06/10/04 Time: 8:00 am Dept/Div: 7

=====

Charges: 1) 206 PC-F H, 2) 273.5(A) PC-F H, 3) 246.3 PC-F H, 4) 422 PC-F
5) 422 PC-F H, 6) 273.5(A) PC-F H, 7) 273A(A) PC-F H
--- MORE CHARGES for this Case/defendant ---

Honorable Judge DOUGLAS C. PHIMISTER presiding

Clerk: D. Stump

Court Reporter C Ellering

Bailiff Odlin

Deputy District Attorney V Ashworth present.

Defendant is represented by Philip Cozens - Retained.

Defendant is present IN CUSTODY.

Oral motion on behalf of Defendant RE: request to represent
himself.

Motion is GRANTED.

Defendant proceeds in Propria Persona.

Defendant will retain Philip Cozens as
co-counsel

Defendant waives rights to Preliminary Hearing. DA and Court
consent to waiver.

Defendant is HELD TO ANSWER on ALL COUNTS.

Court makes no finding as to special allegations

HEARINGS

Arraignment on Information set for 06/21/2004 at 9:15 in
Department 2

Time is NOT waived.

Oral motion on behalf of Defendant RE: request transcript dated
2/26/04.

Motion denied without prejudice

Oral motion on behalf of Defendant RE: request transcript dated
2/5/04.

Motion denied without prejudice

6/10/04

Page: 2

Case Number : P04CRF0132

People vs. RICHARD HAMLIN
=====

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.

Bail to remain as previously set.

CC:DA PD DEF JAIL PROB DCSS ATTY INT POLICE SHERIFF CHP PROG

===== MINUTE ORDER END =====

Dispo

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IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF EL DORADO

---oOo---

THE PEOPLE OF THE STATE
OF CALIFORNIA,

Plaintiff,

vs.

No. P04CRF0132

RICHARD WILLIAM HAMLIN,

FILED

Defendant.

JUN 10 2004

---oOo---

EL DORADO CO. SUPERIOR COURT
BY M. J. [Signature] (DEPUTY)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WAIVER OF PRELIMINARY EXAMINATION

Had in the above-entitled matter on
Thursday, June 10, 2004, at 9:15 a.m.,
before the Honorable DOUGLAS C. PHIMISTER,
Judge.

---oOo---

A P P E A R A N C E S

FOR THE PEOPLE:

GARY L. LACY, District Attorney
El Dorado County
515 Main Street
Placerville, California 95667
BY: VICKI ASHWORTH, Deputy D.A.

FOR THE DEFENDANT:

FOSTER and COZENS
Attorneys at Law
1001 6th Street, Suite 400
Sacramento, California 95814
BY: PHILIP COZENS, Esquire

---and---

RICHARD WILLIAM HAMLIN
In Propria Persona

CYNTHIA J. ELLERING, CRR, CSR
State License Number 9190

ORIGINAL

1 PLACERVILLE, CALIFORNIA

2 THURSDAY, JUNE 10, 2004, 9:15 A.M.

3 DEPARTMENT NO. 7

HON. DOUGLAS C. PHIMISTER, JUDGE

4 ---oOo---

5 THE COURT: The Court will call the matter of Richard
6 William Hamlin, Case No. CRF0132.

7 Counsel, state your appearances, please.

8 MS. ASHWORTH: Vicki Ashworth for the People.

9 MR. COZENS: Philip Cozens with Mr. Hamlin.

10 THE COURT: Good morning, Mr. Hamlin.

11 THE DEFENDANT: Good morning, sir.

12 THE COURT: This is the time and place set for
13 preliminary examination in this matter, and the Court has
14 been advised that there's going to be a waiver of prelim; is
15 that correct?

16 MR. COZENS: Actually, Mr. Hamlin wishes to address
17 the Court regarding his ability to represent himself.

18 THE DEFENDANT: Yes, Your Honor. I'm going to be
19 requesting that I represent myself at this time.

20 THE COURT: Well, I'm somewhat familiar with your
21 background. I understand you have the ability to do that. I
22 suppose for the record if you could tell me how long you were
23 a practicing attorney.

24 THE DEFENDANT: I've been practicing since 1986. I
25 was with the district attorney's office in Sacramento county
26 until 1990. I've been in private practice as a criminal
27 defense attorney since 1990. My request is that I represent
28 myself. I will be retaining Mr. Cozens as co-counsel just as

1 part of my legal team, but all I've done is criminal trial
2 work, and I have over 125 jury trials as experience.

3 THE COURT: And obviously you're familiar with the
4 Faretta decision?

5 THE DEFENDANT: Yes, sir.

6 MS. ASHWORTH: Your Honor, I don't know if the Court
7 would entertain any input from our office, but I would like a
8 chance to reply to that in writing. I think for obvious
9 reasons given the victims in this case, I think it's not just
10 a matter of him appearing as his own attorney.

11 THE DEFENDANT: Your Honor, my understanding is she
12 does not have standing as to this. This is an absolute
13 constitutional right I have to represent myself.

14 THE COURT: That's the Court's understanding of the
15 Faretta case, and the line of cases after that is the
16 defendant has that absolute right.

17 And I guess I'll grant your motion at this time
18 without prejudice to the district attorney filing whatever
19 they want to file, but I just feel very comfortable with that
20 area of the law, the fact that the defendant does have that
21 right.

22 I think the Court can make a finding at this time the
23 defendant is more than competent to represent himself, and I
24 would so find.

25 As such, you understand that you have the right to
26 have a preliminary examination, and at that preliminary
27 examination the People would have to establish by sufficient
28 evidence that not only did these crimes occur, but there's a

1 strong possibility that you committed them. At your
2 preliminary examination, the People would call witnesses and
3 present evidence. You would have the right to cross-examine
4 those witnesses, and you would also have the right to put on
5 evidence and testify if you chose to do so.

6 Once you waive your right to preliminary examination,
7 that right is gone forever.

8 Do you understand everything I've advised you of now?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And are you willing to waive and give up
11 your right to preliminary examination both as the defendant
12 and your own attorney?

13 THE DEFENDANT: Yes, Your Honor, I do.

14 THE COURT: All right. And the People join in that?

15 MS. ASHWORTH: So joined.

16 THE COURT: Then the Court will hold you to answer for
17 each of the counts, and that would consist of Count I, which
18 is a violation of 206 of the Penal Code, torture.

19 As to Count II, a violation of Section 273.5(a), the
20 infliction of corporal injury to a spouse, you would be held
21 to answer on that charge.

22 As to the special allegations regarding great bodily
23 injury, the Court will make no finding one way or the other
24 regarding that allegation.

25 As to Count III, the 246.3, the discharge of a firearm
26 with gross negligence, you will be held to answer on that
27 count.

28 You will be held to answer on Count IV, a violation of

1 Section 422, making a terrorist threat.

2 The Court makes no specific finding whether or not
3 you, in fact, were armed with a firearm one way or the
4 other.

5 As to Count V, the violation of Section 422, the Court
6 will hold you to answer on that count in that it entails
7 different dates where the alleged events occurred.

8 As to the special allegation of being armed as set
9 forth in 12022(a)(1), the Court makes no finding one way or
10 the other regarding that allegation.

11 As to Count VI, the defendant would be held to answer
12 for a violation of Section 273.5(a), corporal injury to a
13 spouse, a particular set of dates that appear to be different
14 dates than in Count II.

15 As to Count VII, the defendant would be held to answer
16 for a violation of Section 273a(a), which is child abuse or
17 endangerment. The victim is R.H.

18 As to Count VIII, the Court would also hold the
19 defendant to answer for a violation of Section 273a(a), child
20 endangerment, the victim being A.H.

21 As to Count IX, a violation of Section 273a(a), child
22 endangerment, the Court would hold the defendant to answer,
23 the victim being C.H.

24 My understanding is there is a request to set this
25 matter and it's over the statutory time period by three days
26 or so.

27 MR. COZENS: Actually, Your Honor, since Mr. Hamlin is
28 now acting as his own attorney, my schedule conflicts don't

1 really have a huge impact on the Court for scheduling. He,
2 because of where he's housed right now, is always available
3 to the Court.

4 THE DEFENDANT: I am now.

5 Your Honor, I was not going to waive time. I'd like
6 to set my jury trial within the statutory period of time.

7 THE COURT: All right. June 21st, 9:15 in
8 Department 2, and that will be for arraignment.

9 Ms. Ashworth, did you want to say something? It looks
10 like you did.

11 MS. ASHWORTH: No. That's a first, I know.

12 THE COURT: There will be no time waiver for the
13 record. Thank you.

14 THE DEFENDANT: Your Honor, there's one other matter.
15 We had a matter that was brought last time we were here
16 concerning discovery. My wife, on February 26th, went down
17 to the police station. We have a three-page summary on
18 this. She confessed to molesting my kids and being part of a
19 murder conspiracy. We need the transcripts from hours of
20 tapes that she gave. She gave extreme detail about this.
21 Our theory of the case is she's lying about these charges in
22 order to avoid criminal responsibility of her own. We have
23 not been able to get the transcripts on that. I am indigent,
24 and I would ask the Court to order to have the tapes
25 transcribed so we can utilize them. It will be a central
26 feature of this trial.

27 THE COURT: The People's position?

28 MS. ASHWORTH: If he's asking the Court to do that on

1 his behalf, then I think he can. If he's asking the People
2 to prepare a transcript, obviously under discovery rules, we
3 don't have to provide anything within 30 days of trial and a
4 transcript does not necessarily have to be prepared before
5 something can be introduced at trial. However, we do have
6 full intent to transcribe each of the tapes, but they haven't
7 been done at this point.

8 THE COURT: I'll deny the motion at this time without
9 prejudice and the trial judge can deal with that.

10 Apparently, the People are going to transcribe those.

11 THE DEFENDANT: And does the prosecution intend to
12 transcribe the February 5th interview as well?

13 MS. ASHWORTH: We haven't made that decision at this
14 point.

15 THE DEFENDANT: With that in mind, then I would make
16 the same request for that as well, Your Honor. On February
17 5th Susan Hamlin had an opportunity to speak with police and
18 was consistent in saying that I had no physical abuse towards
19 her and also admitted about a conspiracy plot that dealt with
20 her father, Sid Siemer, and other Siemer family members.

21 THE COURT: The Court will make the same ruling. I'll
22 deny the request at this time without prejudice and Judge
23 Keller can deal with all the discovery issues.

24 THE DEFENDANT: Thank you very much.

25 THE COURT: All right. Thank you.

26 Court will be in recess.

27 (Proceedings were concluded at 9:24)

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COURT REPORTER'S CERTIFICATE

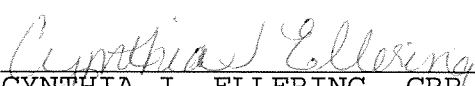
STATE OF CALIFORNIA)
)
COUNTY OF EL DORADO)

I, CYNTHIA J. ELLERING, CRR, CSR, hereby certify that
I am a Certified Shorthand Reporter of the State of
California, in and for the County of El Dorado.

That as such I was present before the Honorable
DOUGLAS C. PHIMISTER, Judge of the Superior Court of said
County and State, on Thursday, June 10, 2004, at 9:15 a.m.,
and then and there took down in stenographic shorthand
writing the proceedings had in that certain matter entitled
and numbered: PEOPLE OF THE STATE OF CALIFORNIA vs. RICHARD
WILLIAM HAMLIN, Case Number P04CRF0132.

That the foregoing pages numbered 1 through 6 are a
true and accurate transcription of my said stenographic notes
taken in said matter.

Dated at Placerville, California, this 10th day of
June, 2004.


CYNTHIA J. ELLERING, CRR, CSR
State License Number 9190

SUPER: COURT OF CALIFORNIA, COUNTY OF EL DORADO
2850 Fairlane Court
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

PRELIMINARY HEARING

Date: 05/27/04 Time: 8:00 am Dept/Div: 7

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A, 7) 273A(A) PC-F A
--- MORE CHARGES for this Case/defendant ---

Honorable Judge DOUGLAS C. PHIMISTER presiding
Clerk: T. MILLER
Court Reporter C Ellering
Bailiff Odlin

Deputy District Attorney V. ASHWORTH present.
Defendant is represented by Philip Cozens - Retained.
Defendant is present IN CUSTODY.

AMENDED COMPLAINT Filed this date adding Count 7 as a violation
of F273A(A) PC.
AMENDED COMPLAINT Filed this date adding Count 8 as a violation
of F273A(A) PC.
AMENDED COMPLAINT Filed this date adding Count 9 as a violation
of F273A(A) PC.

Arraignment and advisal of Constitutional rights Waived.
READING OF COMPLAINT WAIVED

The Court finds good cause TO CONTINUE PRELIMINARY HEARING.

Preliminary Hearing set for 06/10/2004 at 8:00 in Department 7.

Time is NOT waived.

Witness(es) ordered to return.
TOM HOAGLAND
PAUL HADGES
RICH STRAUSSER

MEDICAL RECORDS GIVEN TO V. ASHWORTH
COPIES TO BE PROVIDED TO PHILLIP COZENS

CUSTODY STATUS
Remains remanded to the custody of the Sheriff.

CC:DA PD DEF JAIL PROB DCSS ATTY INT POLICE SHERIFF CHP PROG

===== MINUTE ORDER END =====

Dispo

FILED

MAY 27 2004

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF EL DORADO

EL DORADO CO. SUPERIOR COURT
BY G. M. [Signature] (DEPUTY)

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

RICHARD W HAMLIN,

Defendant.

DKT# : P04CRF0132

DA # : 04-03-001499

AGENCY/ NO.

EDSO EG0402413

DEPARTMENT 7

AMENDED CRIMINAL COMPLAINT

The District Attorney of El Dorado County, based upon information and belief, hereby alleges:

COUNT I

On or between the 1st day of June, 2003, and the 28th day of February, 2004, in the County of El Dorado, the crime of TORTURE, in violation of PENAL CODE SECTION 206, a Felony, was committed by RICHARD W HAMLIN, who did unlawfully and with the intent to cause cruel and extreme pain and suffering for the purpose of revenge, extortion, persuasion and for a sadistic purpose, inflict great bodily injury, as defined in Penal Code section 12022.7, upon Susan Hamlin

COUNT II

On or between the 1st day of January, 2004, and the 20th day of February, 2004 in the County of El Dorado, the crime of CORPORAL INJURY TO SPOUSE/COHABITANT/FORMER COHABITANT/CHILD'S PARENT, in violation of **PENAL CODE SECTION 273.5(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully inflict corporal injury resulting in a traumatic condition upon Susan Hamlin, who was the spouse of the defendant.

“NOTICE: To defendant and defendant’s attorney of record; be advised that pursuant to California Evidence Code Section 1109, the people intend to introduce evidence of any prior act(s) of domestic violence committed by the defendant.”

SPECIAL ALLEGATION - GBI - DOMESTIC VIOLENCE

It is further alleged, within the meaning of Penal Code section 12022.7(e), that in the commission of the above offense, the said RICHARD W HAMLIN, personally inflicted great bodily injury upon Susan Hamlin under circumstances involving domestic violence.

“NOTICE: This offense is a serious felony and a violent felony within the meaning of Penal Code sections 1192.7(c)(8) and 667.5(c)(8).

COUNT III

On or about the 21st day of February, 2004, in the County of El Dorado, the crime of **DISCHARGE OF FIREARM WITH GROSS NEGLIGENCE**, in violation of **PENAL CODE SECTION 246.3**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully discharge a firearm in a grossly negligent manner which could result in injury and death to a person. It is further alleged that the above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

COUNT IV

On or about the 11th day of February, 2004, in the County of El Dorado, the crime of **TERRORIST THREATS**, in violation of **PENAL CODE SECTION 422**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully threaten to commit a crime which would result in death and great bodily injury to Susan Hamlin, with the specific intent that the statement be taken as a threat. It is further alleged that the threatened crime, on its face and under the circumstances in which it was made, was so unequivocal, unconditional, immediate and specific as to convey to the victim a gravity of purpose and an immediate prospect of execution. It is further alleged that the said victim was reasonably in sustained fear of his/her safety and the safety of his/her immediate family.

“NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c).”

SPEC ALLEG-ARMED WITH FIREARM

It is further alleged that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm(s), to wit, handgun, said arming not being an element of the above offense, within the meaning of **PENAL CODE SECTION 12022(a)(1)**.

COUNT V

On or between the 1st day of February, 2004, and the 27th day of February, 2004 in the County of El Dorado, the crime of **TERRORIST THREATS**, in violation of **PENAL CODE SECTION 422**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully threaten to commit a crime which would result in death and great bodily injury to Susan Hamlin, with the specific intent that the statement be taken as a threat. It is further alleged that the threatened crime, on its face and under the circumstances in which it was made, was so unequivocal, unconditional, immediate and specific as to convey to the victim a gravity of purpose and an immediate prospect of execution. It is further alleged that the said victim was reasonably in sustained fear of his/her safety and the safety of his/her immediate family.

“NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c).”

§ 2 EC ALLEG-ARMED WITH FIREARM

It is further alleged that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm(s), to wit, handgun, said arming not being an element of the above offense, within the meaning of PENAL CODE SECTION 12022(a)(1).

COUNT VI

On or between the 21st day of February, 2004, and the 26th day of February, 2004 in the County of El Dorado, the crime of CORPORAL INJURY TO SPOUSE/COHABITANT/FORMER COHABITANT/CHILD'S PARENT, in violation of **PENAL CODE SECTION 273.5(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully inflict corporal injury resulting in a traumatic condition upon Susan Hamlin, who was the spouse of the defendant.

“NOTICE: To defendant and defendant’s attorney of record; be advised that pursuant to California Evidence Code Section 1109, the people intend to introduce evidence of any prior act(s) of domestic violence committed by the defendant.”

COUNT VII

On or between the 1st day of February, 2004, and the 22th day of February, 2004 in the County of El Dorado, the crime of CHILD ABUSE AND ENDANGERMENT, in violation of **PENAL CODE SECTION 273a(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully, under circumstances likely to produce great bodily harm and death, did cause and permit a child, R.H, to suffer unjustifiable physical pain or mental suffering or to be placed in such situation that his/her person and health may be endangered.

COUNT VIII

On or between the 1st day of February, 2004, and the 22th day of February, 2004, in the County of El Dorado, the crime of CHILD ABUSE AND ENDANGERMENT, in violation of **PENAL CODE SECTION 273a(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully, under circumstances likely to produce great bodily harm and death, did cause and permit a child, A.H, to suffer unjustifiable physical pain or mental suffering or to be placed in such situation that his/her person and health may be endangered.

COUNT IX

On or between the 1st day of February, 2004, and the 22th day of February, 2004, in the County of El Dorado, the crime of CHILD ABUSE AND ENDANGERMENT, in violation of **PENAL CODE SECTION 273a(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully, under circumstances likely to produce great bodily harm and death, did cause and permit a child, C.H, to suffer unjustifiable physical pain or mental suffering or to be placed in such situation that his/her person and health may be endangered.

Dated: May 25, 2004.



GARY L. LACY
District Attorney

By: _____

Subscribed and sworn to before me this 25th day of May, 2004 .

VLA/dl

Pursuant to Penal Code §1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code §1054.3 and pursuant to the provisions of Penal Code §1054.7.

IT IS SO ORDERED that the People's discovery request is granted.

DATE _____

Judge

1 GARY L. LACY
2 State Bar No. 108444
3 District Attorney
4 El Dorado County
5 515 Main Street
6 Placerville, CA 95667

7 Attorneys for Plaintiff

FILED

MAY 26 2004

EL DORADO CO. SUPERIOR COURT
BY J. K. [Signature] (DEPUTY)

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF EL DORADO

10 THE PEOPLE OF THE STATE OF CALIFORNIA,

11 Plaintiff,

12 vs.

13 RICHARD W HAMLIN,

14 Defendant.

DKT #: P04CRF0132

DA #: 04-03-001499

15 NOTICE OF MOTION TO
16 AMEND CRIMINAL
17 COMPLAINT

Date: May 27, 2004
Time: 08:00 AM

DEPARTMENT 7

18 TO: PHIL COUSINS, Attorney for said Defendant, and the CLERK OF THE COURT:

19 Please take notice that the People of the State of California will move the above entitled
20 Court thereof on May 27, 2004, at 08:00 AM, or as soon thereafter as counsel may be heard, for
21 the filing of an Amended Complaint.

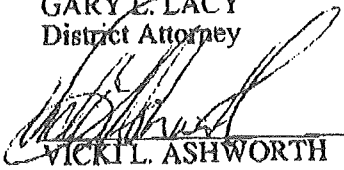
22 Said motion will be based on the pleadings in the above entitled action, Motion to File
23 Amended Complaint, Amended Complaint, and such further evidence as may be presented at the
24 hearing in support of this motion.

25 Dated: May 25, 2004
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27
28

Respectfully submitted,

GARY L. LACY
District Attorney

By


VICKI L. ASHWORTH
Deputy District Attorney

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1 GARY L. LACY
2 State Bar No. 108444
3 District Attorney
4 El Dorado County
5 515 Main Street
6 Placerville, CA 95667

Attorneys for Plaintiff

FILED

MAY 26 2004

EL DORADO CO. SUPERIOR COURT
BY Y. K. K. P. (DEPUTY)

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 IN AND FOR THE COUNTY OF EL DORADO

9 THE PEOPLE OF THE STATE OF CALIFORNIA,

11 Plaintiff,

12 vs.

14 RICHARD W HAMLIN,

16 Defendant.

DKT #: P04CRF0132

DA #: 04-03-001499

MEMORANDUM OF
POINTS & AUTHORITIES IN
SUPPORT OF MOTION TO
FILE AMENDED COMPLAINT

19 MOTION

20 The People move this Court to allow the filing of an Amended Criminal Complaint.

21 ///

22 ///

23 ///

ARGUMENT

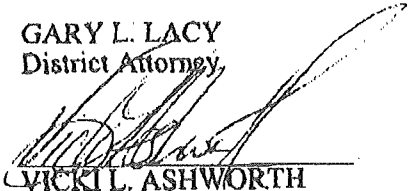
Penal Code Section 1009.

Dated: May 25, 2004

Respectfully submitted,

GARY L. LACY
District Attorney

By


VICKI L. ASHWORTH
Deputy District Attorney

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
2850 Fairlane Court
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

PRE-PRELIMINARY HEARING

Date: 05/13/04 Time: 1:00 pm Dept/Div: 7

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A

Honorable Judge GREGORY F. HAAS presiding
Clerk: D. Stump
Court Reporter C Ellering
Bailiff Odlin

Deputy District Attorney C Anderson present.
Defendant is represented by Philip Cozens - Retained.
Defendant is present IN CUSTODY.

HEARINGS

Preliminary Hearing set for 05/27/2004 at 8:00 in Department 7.
****ONE DAY TIME ESTIMATE****

Time is NOT waived.

COURT ORDERS:

PEOPLE TO PROVIDES AUDIO/VIDEO TAPES
(IF AVAILABLE) TO DEFENSE

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

CC:DA PD DEF JAIL PROB DCSS ATTY INT POLICE SHERIFF CHP PROG
===== MINUTE ORDER END =====

Dispo

OFFICE OF THE FEDERAL DEFENDER
EASTERN DISTRICT OF CALIFORNIA
801 I STREET, 3rd FLOOR
SACRAMENTO, CALIFORNIA 95814
(916) 498-6666 Fax: (916) 498-6656

Quin Denvir
Federal Defender

Daniel J. Broderick
Chief Assistant Defender

May 6, 2004

Clerk of Court
El Dorado Superior Court
Main Street Courthouse
ATTN: Criminal Records
495 Main Street
Placerville, CA 95667

Re: Richard Hamlin

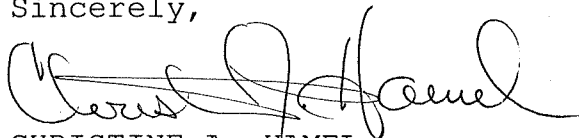
Dear Sir/Madam:

This letter is a request for a search for and copy of all criminal records relating to the above-referenced person filed **since January of 2004**. Newspaper records show Mr. Hamlin was charged with spousal abuse, making threats, and felony torture. Please forward a copy of the entire file regarding these charges.

Our office is a federal agency. We pay search and copy fees at the rate charged the federal government. Please contact me with any costs of obtaining the requested documents.

Thank you for your assistance with this request. If you have any questions or concerns, please do not hesitate to contact me at (916) 498-5706, ext. 254.

Sincerely,



CHRISTINE A. HAMEL
Paralegal to
CONNIE M. ALVAREZ
Assistant Federal Defender

mailed 5/12/04
copy of complaint
& full case print.

MAY 12 2004

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
2850 Fairlane Court
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

PRE-PRELIMINARY HEARING

Date: 04/29/04 Time: 1:00 pm Dept/Div: 7

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A

Honorable Judge DOUGLAS C. PHIMISTER presiding
Clerk: T. MILLER
Court Reporter C Ellering
Bailiff Odlin

Deputy District Attorney C. ANDERSON present.
Defendant is represented by Philip Cozens : Retained.
Defendant is present IN CUSTODY.

Pre-Preliminary Hearing set for 05/13/2004 at 13:00 in
Department 7.

Time is Waived.

CUSTODY STATUS
Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

CC:DA PD DEF JAIL PROB DCSS ATTY INT POLICE SHERIFF CHP PROG

===== MINUTE ORDER END =====

Dispo

**THE STATE BAR
OF CALIFORNIA**

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

**OFFICE OF THE CHIEF TRIAL COUNSEL
ENFORCEMENT**

TELEPHONE: (415) 538-2000

TDD: (415) 538-2231

FAX: (415) 538-2284

**SECOND REQUEST
VIA FACSIMILE TO 530-626-0656**

April 14, 2004

Court Clerk
El Dorado County Superior Court
West Slope Criminal
2850 Fairlane Court, Bldg. C
Placerville, CA 95667

Re: **People v. Richard Hamlin**
Court Case No. P04CRF0132

Dear Court Clerk:

This office is responsible for monitoring criminal charges pending against California attorneys pursuant to Business and Professions Code sections 6101 et seq.

As such, I understand criminal charges were filed against the above-named California attorney and member of the State Bar. Please provide **individually certified copies** of the following document(s) at your earliest convenience:

- X DOCKET
- X CITATION/COMPLAINT
INFORMATION/INDICTMENT
- X PLEA/ENTRY OF CONVICTION

Please direct the certified copies to my attention to the above mentioned address. If you have any questions, feel free to contact me at the number listed below. Thank you for your assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Lila Erlandson".

LILA ERLANDSON
Paralegal
Conviction Monitor
415/538-2374

*Mailed
Complaint
& full case print
4-14-04
(initials)*

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
2850 Fairlane Court
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

PRE-PRELIMINARY HEARING

Date: 04/08/04 Time: 8:00 am Dept/Div: 7

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A

Honorable Judge DOUGLAS C. PHIMISTER presiding
Clerk: D. Stump
Court Reporter C Ellering
Bailiff Odlin

Deputy District Attorney V Ashworth present.
Defendant is represented by Philip Cozens - Retained.
Defendant is present IN CUSTODY.

HEARINGS

Pre-Preliminary Hearing set for 04/29/2004 at 13:00 in
Department 7.

Preliminary Hearing Not Set

Time is Waived.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

CC:DA PD DEF JAIL PROB DCSS ATTY INT POLICE SHERIFF CHP PROG
===== MINUTE ORDER END =====

Dispo

MEDIA AGENCY (name): MOUNTAIN DEMOCRAT CHANNEL/FREQUENCY NO.: PERSON SUBMITTING REQUEST (name): MARIAN SCHWENN ADDRESS: 1360 BROADWAY PLACERVILLE, CA 95667 TELEPHONE NO.: 344-5071 <small>Insert name of court and name of judicial district and branch court, if any.</small> TITLE OF CASE: RICHARD HAMLIN NAME OF JUDGE: DOUGLAS C. PHIMISTER ORDER ON MEDIA REQUEST TO PERMIT COVERAGE	FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; margin: 5px 0;">FILED</div> <div style="font-size: 1.2em; font-weight: bold; margin: 5px 0;">APR 07 2004</div> EL DORADO CO. SUPERIOR COURT BY (DEPUTY) CASE NUMBER: P04CRF0132
--	---

AGENCY MAKING REQUEST (name): MOUNTAIN DEMOCRAT

1. a. ☐ No hearing was held.
- b. ☒ Date of hearing: all case proceedings Time: n/a Dept./Div.: 7 Room:
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 980 (see reverse).
3. ☐ THE COURT FINDS (findings or a statement of decision are optional): ☐ Attached ☐ As follows:

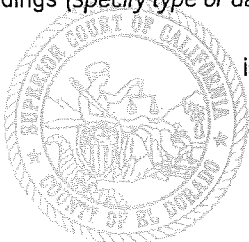
THE COURT ORDERS

4. The request to photograph, record, or broadcast is
 - a. ☐ denied.
 - b. ☒ granted subject to the conditions in rule 980, California Rules of Court, AND the following:
 - (1) ☒ The local rules of this court regulating media activity outside the courtroom (copy attached).
 - (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom (copy attached).
 - (3) ☐ Payment to the clerk of increased court-incurred costs of (specify): \$ ☐ to be determined.
 - (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 980, and any local rule or order.
 - (5) ☒ Personnel and equipment shall be placed ☒ as directed ☐ as indicated in the attachment ☐ as follows (specify):
 - (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
 - (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
 - (7) ☒ This order
 - (i) ☐ shall not apply to allow coverage of proceedings that are continued.
 - (ii) ☒ shall apply to allow coverage of proceedings that are continued.
 - (8) ☐ Other (specify):
5. Coverage granted in item 4b is permitted in the following proceedings:
 - a. ☒ All proceedings except those prohibited by California Rules of Court, rule 980, and those proceedings prohibited by further court order.
 - b. ☐ Only the following proceedings (specify type or date or both):

6. ☐ The order made on (date): is ☐ terminated ☐ modified as follows (specify):

7. ☐ Number of pages attached:

Date: 4-7-04



JUDGE

(See reverse for additional information)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
2850 Fairlane Court
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

PRE-PRELIMINARY HEARING

Date: 03/15/04 Time: 1:00 pm Dept/Div: 7

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A

Honorable Judge DOUGLAS C. PHIMISTER presiding
Clerk: D. Stump
Court Reporter B Soroka
Bailiff Odlin

Deputy District Attorney V Ashworth present.
Defendant is represented by Philip Cozens - Retained.
Defendant is present IN CUSTODY.

Preliminary Hearing previously set is ordered vacated.

HEARINGS

Pre-Preliminary Hearing set for 04/08/2004 at 8:00 in
Department 7.

Preliminary Hearing Not Set

Time is Waived.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail to remain as previously set.

CC:DA PD DEF JAIL PROB DCSS ATTY INT POLICE SHERIFF CHP PROG
===== MINUTE ORDER END =====

Dispo

SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
2850 Fairlane Court
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

BAIL REVIEW HEARING

Date: 03/05/04 Time: 1:00 pm Dept/Div: 7

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A

Honorable Judge DOUGLAS C. PHIMISTER presiding
Clerk: D. Stump
Court Reporter S Stromberg
Bailiff Odlin

Deputy District Attorney J Alexander present.
Defendant is represented by Philip Cozens - Retained.
Defendant is present IN CUSTODY.

Public Defender is RELIEVED as Attorney of Record.

Oral motion on behalf of Defense RE: Request court to reduce
Bail.

Motion is DENIED.

Oral motion on behalf of People RE: Request "No Bail" set.

Motion is GRANTED.

PPX hearing set for 03/08/2004 at 13:00 is ordered vacated.

Preliminary Hearing previously set is ordered vacated.

HEARINGS

Pre-Preliminary Hearing set for 03/15/2004 at 13:00 in
Department 7.

Preliminary Hearing set for 03/17/2004 at 13:00 in Department 7.

Time is Waived.

CUSTODY STATUS

Remains remanded to the custody of the Sheriff.
Bail set at \$0.00.

----- NO BAIL -----

CC:DA PD DEF JAIL PROB DCSS ATTY INT POLICE SHERIFF CHP PROG
===== MINUTE ORDER END =====

Dispo

EL DORADO COUNTY SUPERIOR COURTS
STATE OF CALIFORNIA

☒ Western Slope Dept. # 7
☐ South Lake Tahoe Dept. # _____

Case No. P04CRF0132
Reporter Filing Clerk
Interpreter _____

ORDER, NOTICE, SENTENCE, COMMITMENT FORM

THE PEOPLE vs Richard Hamlin, Defendant

NEXT COURT APPEARANCE DATE: _____ P/NP

AT _____ A.M. / P.M. CHARGES: F206 PC F273.5(a) PC I/C
F246.3 PC F422 PC F422 PC F273.5(a) PC

Defense Atty: Philip Cozens IN PRO PER

DA Alexander
Date 3-5-04
Judge DCP
Clerk D. S. S. S.

ORDER

Public Defender: APPLIED FOR / APPOINTED / DENIED

Conflict Attorney: APPOINTED: _____

Interpreter Appointed _____ Probation Report Ordered for: J&S / Bail Review

Other: _____

For:

- ☐ Arraignment in Superior
☐ Continued arraignment
☒ Pre Prelim Conference 3-15-04
☐ Pretrial Conference
☐ Court Trial
☐ Not Guilty
☒ Time: Not Waived / Waived 1:00 PM
☐ Motion:
☐ Order to Show Cause
☐ Trial Setting Conference in Dept. _____
- ☐ Entry of Plea
☐ Written Waivers / Ret. by: 3-17-04
☒ Preliminary Examination 3-16-04
☐ Readiness Conference
☐ Jury Trial: 1:00 PM
☐ Guilty / No Contest by: Plea / Waiver / Verdict
☐ Admits VOP / DIV:
☐ Diversion Hearing / Review
☐ Case Dismissed
☐ Probation / Sentencing

CUSTODIAL STATUS

DEFENDANT BEING RELEASED ON HIS/HER OWN RECOGNIZANCE, AGREES:

(A) He / She will appear at all times and places as ordered by the Court or magistrate releasing him and as ordered by any Court in which, or any magistrate before whom, the charge is subsequently pending.

(B) If he / she fails to so appear and is apprehended outside the State of California, he / she waives extradition.

(C) Any Court or magistrate of competent jurisdiction may revoke the order of release and either return him / her to custody or require that he / she may give bail or other assurance of his / her appearance as provided in part 2, title 10, chapter 1 of the Penal Code.

- ☐ Order of Release on Probation
☐ Order of Release of Defendant on Own Recognizance

_____, Defendant

☐ Witnesses by: _____ Date: _____

☒ Remanded to custody of Sheriff until next appearance: ☐ Remand Forthwith

☒ Bail Amount: No Bail

- ☐ Remain at Liberty on Bail. ☐ Defendant ordered discharged.
☐ Bail Exonerated ☐ Refund cash bail.

COURT PROBATION ORDER

- ☐ SUMMARY COURT PROBATION _____
☐ PROBATION: as granted on _____
☐ MODIFIED: Original terms in full force and effect except as amended herein this date.
☐ PROB / DIV REINSTATED: Original terms in full force except as amended herein this date.
☐ REVOKED: PROBATION / DIVERSION on: _____
☐ PROBATION / DIVERSION TERMINATED: SUCCESSFUL / UNSUCCESSFUL
☐ CRIMINAL PROCEEDINGS REINSTATED
☐ CHARGES DISMISSED and 1203.4 PC relief granted

FURTHER ORDERS AS FOLLOWS:

- ☐ Standard Terms
- Obey all laws.
 - Report immediately to Probation Department / District Attorney / Family Support Division.
 - Follow all orders of Court / Probation Officer / District Attorney / Family Support Division. and report as directed.
 - Seek and Maintain employment and notify Probation Officer / District Attorney of any change in employment status.
 - Notify Court / Probation Officer / District Attorney immediately of any change in residence address.
- ☐ Although not a condition of Probation, it is Judgment and Order of this Court that the defendant pay (Court appointed Atty.) (Public Defender) costs of: \$ _____ payable to El Dorado County Counsel / Court within: _____ days.

DMV SUPERCEDES ANY COURT ORDER

SENTENCE

- ☐ Not to operate a motor vehicle without a valid driver's license and automobile insurance.
☐ Not to operate a motor vehicle with any measurable amount of alcohol.
☐ Submit to a chemical test of blood, breath or urine upon request of any peace officer.
☐ Submit to alcohol and field sobriety tests.
☐ Not to frequent places where alcohol is chief product of sale.
☐ Not to consume, have in your possession or control any alcohol.
☐ Drivers license restricted/suspended/revoked for _____ for _____ from _____
☐ To and from work. ☐ During course of employment.
☐ To and from alcohol treatment sessions.
☐ IID By: _____ with proof to court.
☐ Wet Reckless Enroll by _____
☐ Trac 1-3 month Enroll by _____ Complete by _____
☐ Trac 1-6 month Enroll by _____ Complete by _____
☐ Trac II Enroll by _____ Complete by _____
☐ Fine: Pay a Fine of: \$ _____ or appear Including Penalty Assessment
☐ Admin Fee: \$ _____
☐ Booking Fee: \$ _____
☐ Restitution: Misd/Fel. \$ _____
☐ Total Due: \$ _____ or appear
☐ Fine to be paid on or before _____ or appear
☐ Payable at \$ _____ per month beg. _____ or appear
☐ In lieu of Fine: Comm. Ser. / Jail
☐ Contact Community Service / Counseling by _____
☐ _____ Hrs. to be completed by _____ or appear
☐ Other: _____

Enroll/Complete By: _____

JAIL RESTITUTION

- ☐ Serve _____ days/hrs. in the El Dorado County Jail.
☐ Concurrent ☐ Consecutive ☐ Forthwith
☐ Case No.: _____
☐ With CTS _____ days/hrs.
Contact Jail by _____ / next business day.
☐ Stay of execution: _____ at _____ a.m./p.m.
☐ Sheriff Work Program ☐ Straight Time Only
☐ Weekends commencing: _____
☐ Home Electronic Monitoring Program
☐ Out of County ☐ Alternative Sentencing OK
☐ Restitution in the amount to be determined by Prob. Dept./Victim witness
☐ Payable to Prob. Dept. / Court
\$ _____ per month beg. _____ total: _____
☐ Payable directly to _____
with proof to the court by: _____
☐ Submit to search and seizure of person, residence, vehicle, business & property anytime, day or night

MEDIA AGENCY (name): <u>M. L. SCHWENN</u> CHANNEL/FREQUENCY NO.: PERSON SUBMITTING REQUEST (name): <u>MOUNTAIN DEMOCRAT</u> ADDRESS: <u>1310 BROADWAY</u> TELEPHONE NO.: <u>344-5071</u>		R COURT USE ONLY FILED MAR 05 2004 EL DORADO CO. SUPERIOR COURT BY <u>[Signature]</u> (DEPUTY) CASE NUMBER: <u>P04CRF0132</u>
Insert name of court and name of judicial officer and branch court, if any.		
TITLE OF CASE: <u>HAMLIN, RICHARD</u>		
NAME OF JUDGE: <u>JOSE PHIMISTER</u>		
ORDER ON MEDIA REQUEST TO PERMIT COVERAGE		

 AGENCY MAKING REQUEST (name): MOUNTAIN DEMOCRAT

1. a. ☐ No hearing was held.
 b. ☒ Date of hearing: 3/5/04 Time: 1:00 Dept./Div.: 7 Room: _____
 2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 980 (see reverse).
 3. ☐ THE COURT FINDS (findings or a statement of decision are optional): ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
 a. ☐ denied.
 b. ☒ granted subject to the conditions in rule 980, California Rules of Court, AND the following:
 (1) ☐ The local rules of this court regulating media activity outside the courtroom (copy attached).
 (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom (copy attached).
 (3) ☐ Payment to the clerk of increased court-incurred costs of (specify): \$ _____ to be determined.
 (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 980, and any local rule or order.
 (5) ☒ Personnel and equipment shall be placed ☒ as directed ☐ as indicated in the attachment ☐ as follows (specify): _____
 (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
 (ii) ☒ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
 (7) ☒ This order
 (i) ☐ shall not apply to allow coverage of proceedings that are continued.
 (ii) ☒ shall apply to allow coverage of proceedings that are continued.
 (8) ☐ Other (specify): _____
 5. Coverage granted in item 4 is permitted in the following proceedings:
 a. ☒ All proceedings except those prohibited by California Rules of Court, rule 980, and those proceedings prohibited by further court order.
 b. ☐ Only the following proceedings (specify type or date or both): _____
 6. ☐ The order made on (date): _____ is ☐ terminated ☐ modified as follows (specify): _____

 7. ☐ Number of pages attached: _____

 Date: 3/5/04

(See reverse for additional information)

JUDGE

MEDIA AGENCY (name) KCRA-TV CHANNEL/FREQUENCY NO. 3 PERSON SUBMITTING REQUEST (name): FRANK WOLFF ADDRESS: 3 TV CIRCLE, SACRAMENTO TELEPHONE NO.: 916-444-7316		FOR COURT USE ONLY FILED MAR 04 2004 EL DORADO CO. SUPERIOR COURT BY _____ (DEPUTY) CASE NUMBER 204CRF 0132
Insert name of court and name of judicial district and branch court, if any ELDORADO DEPT 7		
TITLE OF CASE: PEOPLE V. RICHARD HAMLIN		
NAME OF JUDGE: PHIMISTER		
ORDER ON MEDIA REQUEST TO PERMIT COVERAGE		

1. a. ☒ No hearing was held.
 b. ☐ Date of hearing: _____ Time: _____ Dept./Div.: _____ Room: _____
2. The court considered all the relevant factors listed in subdivision (e)(3) of California Rules of Court, rule 980 (see reverse).
3. ☐ **THE COURT FINDS** (findings or a statement of decision are optional): ☐ Attached ☐ As follows:

THE COURT ORDERS

4. The request to photograph, record, or broadcast is
- a. ☐ denied.
- b. ☒ **granted** subject to the conditions in rule 980, California Rules of Court, AND the following:
- (1) ☐ The local rules of this court regulating media activity outside the courtroom (copy attached).
 - (2) ☐ The order of the presiding or supervising judge regulating media activity outside the courtroom (copy attached).
 - (3) ☐ Payment to the clerk of increased court-incurred costs of (specify): \$ _____ to be determined.
 - (4) ☐ The media agency shall demonstrate to the court that the proposed personnel and equipment comply with California Rules of Court, rule 980, and any local rule or order.
 - (5) ☒ Personnel and equipment shall be placed ☒ as directed ☐ -as indicated in the attachment ☐ as follows (specify): _____
 - (6) (i) ☐ The attached statement of agreed pooling arrangements is approved.
 (ii) ☐ A statement of agreed pooling arrangements satisfactory to the court shall be filed before coverage begins.
 - (7) ☒ This order
 (i) ☒ shall not apply to allow coverage of proceedings that are continued.
 (ii) ☐ shall apply to allow coverage of proceedings that are continued.
 - (8) ☐ Other (specify): _____
5. Coverage granted in item 4b is permitted in the following proceedings:
- a. ☒ All proceedings except those prohibited by California Rules of Court, rule 980, and those proceedings prohibited by further court order.
- b. ☐ Only the following proceedings (specify type or date or both): _____

6. ☐ The order made on (date): _____ is ☐ terminated ☐ modified as follows (specify): _____

7. ☐ Number of pages attached: _____

Date: **3/5/04**

(See reverse for additional information)

JUDGE

Douglas C. Phimister

MEDIA AGENCY (name): KCRA-TV CHANNEL/FREQUENCY NO.: PERSON SUBMITTING REQUEST (name): FRANK WOLFF ADDRESS: 3 TV CIRCLE, SACRAMENTO TELEPHONE NO.: 916-444-7316		FOR COURT USE ONLY
Insert name of court and name of judicial district and branch court, if any		
ELDORADO DEPT 7		
TITLE OF CASE: PEOPLE V. RICHARD HAMLIN		
NAME OF JUDGE: PHIMISTER		CASE NUMBER
MEDIA REQUEST TO PHOTOGRAPH, RECORD, OR BROADCAST		

1. PORTION OF THE PROCEEDINGS TO BE COVERED (e.g., particular witnesses at trial, the sentencing hearing, etc.):

BAIL HEARING

2. DATE OF PROPOSED COVERAGE (specify): MAR 05 '04 (File this form at least five court days before the proposed coverage date. If not feasible, explain good cause for noncompliance.)

3. TYPE OF COVERAGE:

a. ☒ TV camera and recorder

b. ☐ Still camera

c. ☐ Motion picture camera

d. ☐ Audio

e. ☐ Other (specify):

4. ☐ SPECIAL REQUESTS OR ANTICIPATED PROBLEMS (specify):

5. ☐ INCREASED COSTS. This agency acknowledges that it will be responsible for increased court-incurred costs, if any, resulting from this media coverage (estimate): \$
☐ Amount unknown

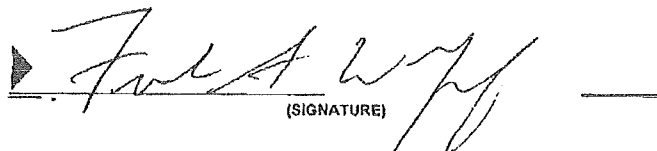
6. PROPOSED ORDER. A completed, proposed order on Judicial Council form MC-510 is attached (required by Cal. Rules of Court, rule 980(e)(1)).

CERTIFICATION

I certify that if the court permits media coverage in this case, all participating personnel in this media agency will be informed of and will abide by the provisions of California Rules of Court, rule 980, the provisions of the court order, and any additional restrictions imposed by the court.

Date:

FRANK WOLFF -
(TYPE OR PRINT NAME)


(SIGNATURE)

Telephone No.:
916-444-7316

ASSIGNMENT EDITOR
(SUPERVISORY POSITION)

NOTICE OF HEARING (A hearing is optional.)

A HEARING will be held as follows:

Date:	Time:	Dept./Div.:	Room:
Address of the court:			

Clerk, by- _____

Deputy

EL DORADO COUNTY PROBATION DEPARTMENT**BAIL REDUCTION - O/R RELEASE REPORT**

COURT	CASE NO.	JUDGE	BAIL	CT. DATE	ATTORNEY	ARREST DATE
D7	P04CRF0132	Phimister	\$1,000,000.00	3-5-04	Public Defender	2-28-04
DEFENDANT'S NAME		AGE	DOB	SOC. SEC. #	SEX	ARREST AGENCY
RICHARD WILLIAM HAMLIN		43	4-15-60	553-43-9909	M	EDSO
PRESENT ADDRESS: 3340 Beatty Dr., El Dorado Hills (owned)				HOW LONG : 7 years		
PREVIOUS ADDRESS AND/OR COMMENTS: Roseville – 8 years						
NAME OF EMPLOYER		ADDRESS		PHONE	TYPE OF WORK	HOW LONG
Private Attorney		400 Capitol Mall, Suite 900, Sac.		(916) 449-3990	Attorney	13 years
PREVIOUS EMPLOYMENT AND/OR COMMENTS:				Sacramento County District Attorney – 4 ½ years		
FAMILY MEMBERS IN COUNTY		ADDRESS		PHONE	RELATIONSHIP	
Wife & Kids						
<u>PRIOR CONVICTIONS</u>						
DATE	AGENCY / COURT	CHARGE			DISPOSITION	
	NONE					
F.T.A.'s:						
PENDING CHARGES: 206 PC – Torture, felony (2 counts) 273.5 (a) PC – Corporal Injury to Spouse, felony 12022.7 (e) PC – GBI enhancement 243.6 PC – Discharge of a Firearm with Gross Negligence, felony (2 counts) 422 PC – Criminal Threats, felonies 12022(a)(1) PC – Armed enhancement						
<u>INTERVIEWER'S EVALUATION</u>						
<p>Hamlin reports a stable history of employment and residency and stated he plans to reside with Matthew Unger in the Sacramento area upon release from custody. (Unable to verify). The defendant is facing a substantial amount of custody time if convicted of all charges (indeterminate life sentence), thus, it is believed the defendant may pose a flight risk. Further, the serious and egregious nature of the charges in this case indicates Hamlin poses a significant danger to the community and the victim in this case. The victim, Susan Hamlin was contacted by telephone on March 3, 2004. She stated she would be in fear for her personal safety and the safety of her family if the defendant were released. Hamlin's four (4) children, ages 16 to 6, have been placed into protective custody by Child Protective Services. Hamlin stated he believed bail was too high in this case, however, he could understand the amount due to the nature of the charges and "the story they (the investigators) are hearing."</p>						
<u>RECOMMENDATION:</u>		<input checked="" type="checkbox"/> Bail Remain as Set		<input type="checkbox"/> Bail be Set at \$		
By: <u>Mindi De Young</u> Mindi De Young Deputy Probation Officer		March 2, 2004 Date		RECEIVED MAR 04 2003 EL DORADO COUNTY SUPERIOR COURT		

1 **GARY L. LACY**
2 District Attorney
3 El Dorado County
4 515 Main Street
5 Placerville, California 95667
6 Telephone: (530)621-6472

7 Attorneys for the Plaintiff

FILED

MAR 04 2004

EL DORADO CO. SUPERIOR COURT
BY J. K. [Signature] (DEPUTY)

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF EL DORADO

10 PEOPLE OF THE STATE OF CALIFORNIA,

No. P04CRF0132

11 Plaintiff,

ORDER INCREASING BAIL

12
13 RICHARD W HAMLIN,

14 Defendants.

15 It is hereby ORDERED that bail for RICHARD W. HAMLIN be set in the amount of
16 \$1,000,000 (One Million Dollars) pending a hearing pursuant to Penal Code Section 1270.1.
17 Such increase is based upon facts contained in the People's Motion to Increase Bail and
18 additional facts provided by both the People and Defense in Court on March 2, 2004.
19

20 IT IS SO ORDERED.

21
22 Dated: 3/4/04

23 [Signature]
24 JUDGE OF THE SUPERIOR COURT



SUPERIOR COURT OF CALIFORNIA, COUNTY OF EL DORADO
2850 Fairlane Court
Placerville, CA 95667

People of the State of California
VS.
RICHARD WILLIAM HAMLIN

Case No: P04CRF0132

MINUTE ORDER

=====

FELONY IN-CUSTODY ARRAIGNMENT

Date: 03/02/04 Time: 1:30 pm Dept/Div: 7

=====

Charges: 1) 206 PC-F A, 2) 273.5(A) PC-F A, 3) 246.3 PC-F A, 4) 422 PC-F
5) 422 PC-F A, 6) 273.5(A) PC-F A

Honorable Judge GREGORY F. HAAS presiding
Clerk: DAROS
Court Reporter SOROKA #11633
Bailiff Odlin

Defendant is present IN CUSTODY.
Deputy District Attorney V Ashworth present.
Defendant proceeds in Propria Persona.

Defendant arraigned and advised of the following rights:
COUNSEL: You have the right to an attorney at all stages of the proceedings and if it is determined you cannot afford an attorney, the court will appoint one to represent you. If the court appoints an attorney for you, then upon conclusion of your case, the court will conduct a hearing to determine your ability to pay for the costs of appointed counsel. You may be ordered to pay all or a part of such costs within your ability. Such an order may be enforced only by civil judgment. You have the constitutional right to represent yourself at all stages of the proceedings.
REASONABLE BAIL: If you are in custody you have the right to be release on reasonable bail pending further proceedings.
SPEEDY TRIAL: You have the right to a speedy public trial before a jury or judge and the right to have that trial within 60 days if you are in custody
JURY TRIAL: You have the right to trial by jury or you can waive that right and be tried by the court alone sitting without a jury.
PRELIMINARY HEARING: You have the right to a Preliminary Examination within ten (10) Court days following plea.
SUBPOENA: You have the right to the issuance of subpoenas to compel witnesses in your behalf to appear in court and testify.
SELF INCRIMINATION: You have the right to remain silent and no adverse emphasis will be drawn from the fact if you choose not to testify.
CONFRONTATION: You have the right to face, confront and examine and cross-examine your accusers in open court.
PRIOR ALLEGATION: You are advised that as to the prior allegations in the complaint, you are entitled to all of the

3/02/04

Page: 2

Case Number : P04CRF0132 People vs. RICHARD HAMLIN
=====

rights set forth hereinabove and

PLEA: You have the right to plead guilty, not guilty, no
contest, once in jeopardy, not guilty by reason of insanity.

CONTINUANCE: You have the right to a reasonable continuance.
Defendant advised of maximum/minimum penalty.

PLEA

Defendant pleads NOT GUILTY to all counts.

HEARINGS

Bail Review Hearing set for 03/05/2004 at 13:00 in Department 7.

Pre-Preliminary Hearing set for 03/08/2004 at 13:00 in
Department 7.

Time is NOT waived.

Preliminary Hearing set for 03/10/2004 at 13:00 in Department 7.

Public Defender Appointed.

Protective Order signed.
and read by the Defendant in open court
Defendant does not object
Copy provided to Defendant

CUSTODY STATUS

Remanded to the custody of the Sheriff until next appearance.

BAIL SET AT ONE (1) MILLION

As requested by the DDA and granted by the Court
until the Friday hearing only

CC:DA PD DEF JAIL PROB DCSS ATTY INT POLICE SHERIFF CHP PROG
===== MINUTE ORDER END =====

Dispo

1 **GARY L. LACY**
2 District Attorney
3 El Dorado County
4 515 Main Street
5 Placerville, California 95667
6 Telephone: (530) 621-6472

7 Attorneys for the Plaintiff

FILED

MAR 02 2004

EL DORADO CO. SUPERIOR COURT
BY [Signature] (DEPUTY)

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF EL DORADO

10 THE PEOPLE OF THE STATE OF
11 CALIFORNIA,

12 Plaintiff,

13 vs.

14 RICHARD W. HAMLIN,

15 Defendant.

EDSO NO. EG0402413

P 0 4 C R F 0 1 3 2

**PEOPLE'S MOTION TO INCREASE
BAIL PENDING 1270.1 HEARING**

March 2, 2004
Time: 9:00AM
Dept: 7

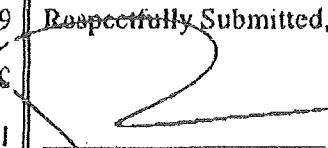
17 TO THE EL DORADO SUPERIOR COURT AND DEFENDANT RICHARD W.
18 HAMLIN AND HIS ATTORNEY OF RECORD MICHAEL BOWMAN: The People
19 respectfully request a bail increase and a bail review hearing pursuant to PC 1270.1.

20 On or about February 28, 2004, defendant RICHARD W. HAMLIN was arrested for
21 felony domestic violence causing great bodily injury (PC 273.5 and 12022.7(e)). At that time,
22 Detective Strasser requested, and was granted, a bail increase to \$300,000. That increase was
23 approved by the "on-call" judge, the Hon. J. Lasarow. Since the granting of that increase,
24 continuing investigation has revealed that defendant RICHARD W. HAMLIN has made
25 numerous death threats to victim and victim's family, and has repeatedly stated to victim that if
26 arrested he will kill her and her family members. Defendant reportedly has a "hit list" of people
27 he will kill if arrested. In addition, defendant has repeatedly threatened victim with a handgun,
28

1 placing it in her mouth on one occasion and against her head on another and threatened to kill her
2 if she reports the abuse he has been subjecting her to. Those incidents have been repeated within
3 the last three months. Within the last 30 days, defendant has forced victim to sleep by his side
4 while defendant holds a loaded handgun pressed against her chest with the safety in the off
5 position. Defendant told victim if she got up during the night and tried to leave him, he
6 would shoot her. Defendant has been involved in two unsafe discharges of firearms within the
7 last 30 days, shooting himself in the leg on one occasion and shooting into the air outside his
8 home on another. Both these discharges were connected to defendant's on-going fixed delusion
9 that he is the target of an assassination plot being carried forth by a satanic church of which
10 victim and her family are members (according to the defendant's Mirandized interview and
11 statement). Detectives have recovered three handguns from defendant's home but have
12 information that there may be two additional handguns unaccounted for at this time.

13 Due to the serious nature of defendant's threats, defendant's connections as a prominent
14 defense attorney and former deputy district attorney, as well as his reported access to
15 considerable financial resources, the People request bail in the amount of \$1,000,000 pending a
16 1270.1 hearing due to the serious nature of the charges at this time and in order to provide some
17 protection to victim and her family.

18
19 Respectfully Submitted,

20 
21 _____
22 Joe Alexander, DDA
23 March 2, 2004
24
25
26
27
28

1 GARY L. LACY
2 State Bar No. 108444
3 District Attorney
4 El Dorado County
5 515 Main Street
6 Placerville, CA 95667

7 Attorneys for Plaintiff

FILED

MAR 02 2004

EL DORADO CO. SUPERIOR COURT
BY  (DEPUTY)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF EL DORADO

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

RICHARD W HAMLIN

Defendant.

DKT #: **P04CRF0132***

DA #: 04-03-001499

DECLARATION IN
SUPPORT OF PROTECTIVE
ORDER

DEPARTMENT 7

STATE OF CALIFORNIA)
County of El Dorado) ss.

COMES NOW DECLARANT AND STATES AS FOLLOWS:

That she is a law enforcement official within the County of El Dorado, State of California, presently and was at all times pertinent to the above entitled cause.

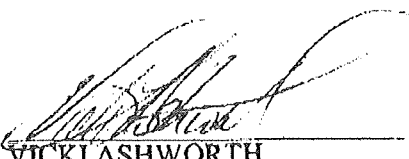
That she is the prosecutor in the above entitled cause. That she has reason to believe, and does believe that the above-named person committed the following offenses: TORTURE, CORPORAL INJURY TO SPOUSE/COHABITANT/CHILD'S PARENT (2 cnts.), SPEC ALLEG - GBI - DOMESTIC VIOLENCE, DISCHARGE OF FIREARM WITH GROSS NEGLIGENCE, TERRORIST THREATS (2 cnts.) And SPEC ALLEG-ARMED WITH FIREARM (2 cnts.), violations of section(s)206 PC, 273.5(A)/F2 PC (2 cnts.), 12022.7(E) PC,

1 246.3 PC, 422 PC (2 cnts.) And 12022(A)(1) PC (2 cnts.), six felonies with special allegations.

2 That your declarant has read and reviewed police reports prepared by G. MURPHY of the
3 EL DORADO COUNTY SHERIFF'S OFFICE which are incorporated by reference herein and
4 which form the basis of your declarant's belief that the above named person committed the above-
5 referenced crimes.

6 That this strong suspicion is in part derived from those occurrences and statements of
7 percipient witnesses reasonably believed by your declarant to be truthful and reflects the true
8 belief of this declarant of the state of the facts in the cause now pending before the court. That
9 there are or may be certain additional facts known to this declarant which may or can be recited in
10 the proper court at a subsequent time should it be necessary.

11 The foregoing is true and correct and is executed on this 2nd day of March, 2004, under
12 pain and penalty of perjury.

13
14 
15 VICKI ASHWORTH
16 Deputy District Attorney
17
18
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pm

EL DORADO COUNTY SUPERIOR COURTS
STATE OF CALIFORNIA

☒ Western Slope Dept. # 7
☐ South Lake Tahoe Dept. # _____

Case No. P04CR F0132
Reporter Soroka
Interpreter _____

ORDER, NOTICE, SENTENCE, COMMITMENT FORM

THE PEOPLE vs

Richard Hamlin

Defendant

DA

V. Ashworth

NEXT COURT APPEARANCE DATE:

D7, 3/8/04

P/NP

Date

3/2/04

AT 1:00 A.M. / P.M. CHARGES: F206 PC F273.5(a) PC

Judge

Haas

Clerk

DARW

Defense Atty:

IN PRO PER

ORDER

Public Defender: APPLIED FOR / APPOINTED / DENIED

Conflict Attorney: APPOINTED: _____

Interpreter Appointed

Probation Report Ordered for: J&S / Bail Review

Other: _____

Set for 3/5/04
1:00pm D7

For:

- ☐ Arraignment in Superior
☐ Continued arraignment
☒ Pre Prelim Conference
☐ Pretrial Conference
☐ Court Trial
☐ Not Guilty
☒ Time, Not Waived / Waived
☐ Motion:
☐ Order to Show Cause
☐ Trial Setting Conference in Dept.

- ☐ Entry of Plea
☐ Written Waivers / Ret. by: 3/10/04
☒ Preliminary Examination 1:00pm D7
☐ Readiness Conference
☐ Jury Trial:
☐ Guilty / No Contest by: Plea / Waiver / Verdict
☐ Admits VOP / DIV:
☐ Diversion Hearing / Review
☐ Case Dismissed
☐ Probation / Sentencing

CUSTODIAL STATUS

DEFENDANT BEING RELEASED ON HIS/HER OWN RECOGNIZANCE, AGREES:

(A) He / She will appear at all times and places as ordered by the Court or magistrate releasing him and as ordered by any Court in which, or any magistrate before whom, the charge is subsequently pending.

(B) If he / she fails to so appear and is apprehended outside the State of California, he / she waives extradition.

(C) Any Court or magistrate of competent jurisdiction may revoke the order of release and either return him / her to custody or require that he / she may give bail or other assurance of his / her appearance as provided in part 2, title 10, chapter 1 of the Penal Code.

- ☐ Order of Release on Probation
☐ Order of Release of Defendant on Own Recognizance

Witnesses by: _____ Date: _____, Defendant

☒ Remanded to custody of Sheriff until next appearance: ☐ Remand Forthwith

☒ Bail Amount: 100,000 / million

- ☐ Remain at Liberty on Bail.
☐ Defendant ordered discharged.
☐ Bail Exonerated
☐ Refund cash bail.

DOA req higher bail - Granted
COURT PROBATION ORDER
at this time
only
until Friday

- ☐ SUMMARY COURT PROBATION
☐ PROBATION: as granted on _____
☐ MODIFIED: Original items in full force and effect except as amended herein this date.
☐ PROB / DIV REINSTATED: Original terms in full force except as amended herein this date.
☐ REVOKED: PROBATION / DIVERSION on: _____
☐ PROBATION / DIVERSION TERMINATED: SUCCESSFUL / UNSUCCESSFUL
☐ CRIMINAL PROCEEDINGS REINSTATED
☐ CHARGES DISMISSED and 1203.4 PC relief granted

FURTHER ORDERS AS FOLLOWS:

- ☐ Standard Terms
1. Obey all laws.
2. Report immediately to Probation Department / District Attorney / Family Support Division.
3. Follow all orders of Court / Probation Officer / District Attorney / Family Support Division. and report as directed.
4. Seek and Maintain employment and notify Probation Officer / District Attorney of any change in employment status.
5. Notify Court / Probation Officer / District Attorney immediately of any change in residence address.

- ☐ Although not a condition of Probation, it is Judgment and Order of this Court that the defendant pay (Court appointed Atty.) (Public Defender) costs of: \$ _____ payable to El Dorado County Counsel / Court within: _____ days.

TO THE SHERIFF: The foregoing copy of judgment in the above entitled action is your authority for the execution herein

DMV SUPERCEDES ANY COURT ORDER

SENTENCE

- ☐ Not to operate a motor vehicle without a valid driver's license and automobile insurance.
☐ Not to operate a motor vehicle with any measurable amount of alcohol.
☐ Submit to a chemical test of blood, breath or urine upon request of any peace officer.
☐ Submit to alcohol and field sobriety tests.
☐ Not to frequent places where alcohol is chief product of sale.
☐ Not to consume, have in your possession or control any alcohol.
☐ Drivers license restricted/suspended/revoked for _____ from _____
☐ To and from work. ☐ During course of employment.
☐ To and from alcohol treatment sessions.
☐ IID By: _____ with proof to court.
☐ Wet Reckless Enroll by _____
☐ Trac 1-3 month Enroll by _____ Complete by _____
☐ Trac 1-6 month Enroll by _____ Complete by _____
☐ Trac II Enroll by _____ Complete by _____
☐ Fine: Pay a Fine of \$ _____ or appear Including Penalty Assessment
☐ Admin Fee: \$ _____
☐ Booking Fee: \$ _____
☐ Restitution: Misd/Fel. \$ _____
☐ Total Due: \$ _____ or appear
☐ Fine to be paid on or before _____ or appear
☐ Payable at \$ _____ per month beg. _____ or appear
☐ In lieu of Fine: Comm. Ser. / Jail
☐ Contact Community Service / Counseling by _____
☐ Hrs. to be completed by _____ or appear


☒ Other: Protective Order
Read by Def in court
Enroll/Complete By: + he agrees -
Court sign order +
copy provided

JAIL RESTITUTION

- ☐ Serve _____ days/hrs. in the El Dorado County Jail: to Def
☐ Concurrent ☐ Consecutive ☐ Forthwith
☐ Case No.: _____
☐ With CTS _____ days/hrs.
Contact Jail by _____ / next business day.
☐ Stay of execution: _____ at _____ a.m./p.m.
☐ Sheriff Work Program ☐ Straight Time Only
☐ Weekends commencing: _____
☐ Home Electronic Monitoring Program
☐ Out of County ☐ Alternative Sentencing OK
☐ Restitution in the amount to be determined by Prob. Dept./Victim witness
☐ Payable to Prob. Dept. / Court
\$ _____ per month beg. _____ total: _____
☐ Payable directly to _____
with proof to the court by: _____
☐ Submit to search and seizure of person, residence, vehicle, business & property anytime, day or night with / without a search warrant.

FILED

MAR 02 2004

EL DORADO CO. SUPERIOR COURT
BY  (DEPUTY)

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF EL DORADO

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

RICHARD W HAMLIN,

Defendant.

DKT#: P 04 CRF 0132

DA #: 04-03-001499

AGENCY/ NO.

EDSO EG0402413

DEPARTMENT 7

CRIMINAL COMPLAINT

The District Attorney of El Dorado County, based upon information and belief, hereby alleges:

COUNT I

On or between the 1st day of June, 2003, and the 28th day of February, 2004, in the County of El Dorado, the crime of TORTURE, in violation of PENAL CODE SECTION 206, a Felony, was committed by RICHARD W HAMLIN, who did unlawfully and with the intent to cause cruel and extreme pain and suffering for the purpose of revenge, extortion, persuasion and for a sadistic purpose, inflict great bodily injury, as defined in Penal Code section 12022.7, upon Susan Hamlin.

COUNT II

On or about the 22nd day of February, 2004, in the County of El Dorado, the crime of CORPORAL INJURY TO SPOUSE/COHABITANT/FORMER COHABITANT/CHILD'S PARENT, in violation of PENAL CODE SECTION 273.5(a), a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully inflict corporal injury resulting in a traumatic condition upon Susan Hamlin, who was the spouse of the defendant.

"NOTICE: To defendant and defendant's attorney of record; be advised that pursuant to California Evidence Code Section 1109, the people intend to introduce evidence of any prior act(s) of domestic violence committed by the defendant."

SPECIAL ALLEGATION - GBI - DOMESTIC VIOLENCE

It is further alleged, within the meaning of Penal Code section 12022.7(c), that in the commission of the above offense, the said RICHARD W HAMLIN, personally inflicted great bodily injury upon Susan Hamlin under circumstances involving domestic violence.

"NOTICE: This offense is a serious felony and a violent felony within the meaning of Penal Code sections 1192.7(c)(8) and 667.5(c)(8).

COUNT III

On or about the 22nd day of February, 2004, in the County of El Dorado, the crime of DISCHARGE OF FIREARM WITH GROSS NEGLIGENCE, in violation of PENAL CODE SECTION 246.3, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully discharge a firearm in a grossly negligent manner which could result in injury and death to a person. It is further alleged that the above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

COUNT IV

On or about the 22nd day of February, 2004, in the County of El Dorado, the crime of TERRORIST THREATS, in violation of PENAL CODE SECTION 422, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully threaten to commit a crime which would result in death and great bodily injury to Susan Hamlin, with the specific intent that the statement be taken as a threat. It is further alleged that the threatened crime, on its face and under the circumstances in which it was made, was so unequivocal, unconditional, immediate and specific as to convey to the victim a gravity of purpose and an immediate prospect of execution. It is further alleged that the said victim was reasonably in sustained fear of his/her safety and the safety of his/her immediate family.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)."

SPEC ALLEG-ARMED WITH FIREARM

It is further alleged that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm(s), to wit, handgun, said arming not being an element of the above offense, within the meaning of PENAL CODE SECTION 12022(a)(1).

COUNT V

On or about the 27th day of February, 2004, in the County of El Dorado, the crime of TERRORIST THREATS, in violation of PENAL CODE SECTION 422, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully threaten to commit a crime which would result in death and great bodily injury to Susan Hamlin, with the specific intent that the statement be taken as a threat. It is further alleged that the threatened crime, on its face and under the circumstances in which it was made, was so unequivocal, unconditional, immediate and specific as to convey to the victim a gravity of purpose and an immediate prospect of execution. It is further alleged that the said victim was reasonably in sustained fear of his/her safety and the safety of his/her immediate family.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)."

SPEC ALLEG-ARMED WITH FIREARM

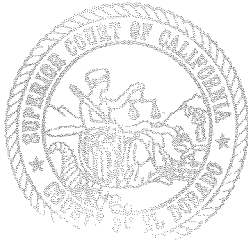
It is further alleged that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm(s), to wit, handgun, said arming not being an element of the above offense, within the meaning of PENAL CODE SECTION 12022(a)(1).

COUNT VI

On or about the 27th day of February, 2004, in the County of El Dorado, the crime of CORPORAL INJURY TO SPOUSE/COHABITANT/FORMER COHABITANT/CHILD'S PARENT, in violation of **PENAL CODE SECTION 273.5(a)**, a Felony, was committed by RICHARD W HAMLIN, who did willfully and unlawfully inflict corporal injury resulting in a traumatic condition upon Susan Hamlin, who was the spouse of the defendant.

"NOTICE: To defendant and defendant's attorney of record; be advised that pursuant to California Evidence Code Section 1109, the people intend to introduce evidence of any prior act(s) of domestic violence committed by the defendant."

Dated: March 2, 2004.



GARY L. LACY
District Attorney

By: 

Subscribed and sworn to before me this 2nd day of March, 2004 .

VLA/pm

Pursuant to Penal Code §1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code §1054.3 and pursuant to the provisions of Penal Code §1054.7.

IT IS SO ORDERED that the People's discovery request is granted.

DATE _____

Judge

NAME OF COURT AND DISTRICT, BRANCH OR DIVISION, IF ANY EL DORADO COUNTY SUPERIOR COURT DEPARTMENT 7 2850 FARRLANE COURT PLACERVILLE, CALIFORNIA		FILED MAR 02 2004 EL DORADO CO. SUPERIOR COURT BY <i>[Signature]</i> (DEPUTY)	
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: RICHARD W HAMLIN			
PROTECTIVE ORDER IN CRIMINAL PROCEEDING (CLETS) (Penal Code, §136.2) <input type="checkbox"/> ORDER PENDING TRIAL <input type="checkbox"/> ORDER POST TRIAL PROBATION CONDITION		CASE NUMBER [DOCKET #] P04CRF0132	
<input type="checkbox"/> MODIFICATION <input type="checkbox"/> DOMESTIC CASE (Pen. Code Sec. 13700)			
THIS ORDER TAKES PRECEDENCE OVER ANY CONFLICTING COURT ORDER			
PERSON TO BE RESTRAINED (Name): <u>RICHARD W HAMLIN</u> Sex: F Ht: [HEIGHT] Wt: [WEIGHT] Hair Color: [HAIR COLOR] Eye Color: [EYE COLOR] Race: W Age: 43 Date of Birth: 04/15/1960 <input type="checkbox"/> The defendant is a peace officer with _____ Department.			

- This proceeding was heard on (date): 3/2/04 at (time): 8:30 am in Dept.: 7 Room: _____
by judicial officer (name): G-F. HAAS
- ☒ Defendant was personally present at the court hearing, and no additional proof of service of the restraining order is required.
GOOD CAUSE APPEARING, THE COURT ORDERS
- The above-named defendant
 - must not annoy, harass, strike, threaten, sexually assault, batter, stalk, destroy personal property of, or otherwise disturb the peace of the protected persons named below.
 - must surrender to local law enforcement or sell to licensed gun dealer any firearm in or subject to his or her immediate possession or control within
 - ☒ 24 hours after issuance of this order (if restrained person is present at hearing)
 - ☐ 48 hours after service of this order (if restrained person is not present at hearing)
 - ☐ other (specify): _____

The restrained person shall file a receipt with the court showing compliance with this order within 72 hours of receiving this order.

 - must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing or testifying or making a report to any law enforcement agency or person.
 - ☒ must have no personal, telephonic, or written contact with the protected persons named below.
 - ☒ must have no contact with the protected persons named below through a third party, except an attorney of record.
 - ☒ must not come within 100 yards of the protected persons named below.
 - ☐ may have peaceful contact with the protected persons named above for the safe exchange of children for court-ordered visitation as suited in the attached Family, Juvenile or Probate court order in case no. _____, issued on (date): _____, as an exemption to the "no contact" or "stay away" provision in paragraph (d), (e), or (f) of this order.
 - ☒ may have peaceful contact with the protected persons named below only for the safe exchange of children for visitation as stated in a Family, Juvenile, or Probate court order issued after the date this order is signed, as an exemption to the "no contact" or "stay away" provisions in paragraph (d), (e), or (f) of this order.
- ☐ The protected person may record any prohibited communications made to him or her by the restrained person.
- NAMES OF PROTECTED PERSONS:
SUSAN HAMLIN, CLAIRE HAMLIN, JENNIFER HAMLIN, ALEC HAMLIN, RYAN HAMLIN, JUDY SIEMER, SIDNEY SIEMER, GLEN SIEMER AND TERRY AAL
2882 WEST COAST AVE.
FRESNO, CA
3340 BEATTY DRIVE
EL DORADO HILLS, CA
- Other orders including stay-away orders from specific locations:
- This order expires on (specify date): 1 year 3-2-05
 If no date is listed, this order expires three years from the date of issuance.

Date: 3-2-04

 JUDICIAL OFFICER Department/Division:

FAXED

MAR 02 2004

WARNINGS AND NOTICES

1. This order takes precedence over any other prior or subsequent conflicting protective order, visitation order, or any other order of the court.
2. VIOLATION OF THE ORDER IS SUBJECT TO CRIMINAL PROSECUTION. Violation of this restraining order may be punished as a contempt of court, a misdemeanor, or a felony. Taking or concealing a child in violation of this order may be a felony and punishable by confinement in state prison, a fine, or both. Traveling across state or tribal boundaries with the intent to violate the order may be punishable as a federal offense under the Violence Against Women Act, 18 U.S.C. § 2261(a)(1) (1994).
3. NOTICE REGARDING FIREARMS. Any person subject to a restraining order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment. At the hearing on this matter, the court will order that the person subject to these orders shall relinquish any firearms and not own or possess any firearms during the period of the restraining order. Under federal law, the issuance of a restraining order after hearing will generally prohibit the restrained person from owning, accepting, transporting, or possessing firearms or ammunition. A violation of this prohibition is a separate federal crime.
4. ENFORCING THIS RESTRAINING ORDER IN CALIFORNIA
 - This order shall be enforced in California by any law enforcement agency that has received the order or is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS).
 - Law enforcement shall determine whether the restrained person had notice of the order. If notice cannot be verified, law enforcement shall advise the restrained person of the terms of the order and, if the restrained person fails to comply, shall enforce it. (Family Code, § 6383.)
5. ENFORCING RESTRAINING ORDERS ACROSS STATE LINES. Restraining orders from other states, the District of Columbia, the Commonwealth of Puerto Rico, tribal lands, and U.S. territories shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the laws of that place or tribunal, and shall be enforced as if they were California orders. Such orders shall be presumed valid when the order appears authentic on its face. (Family Code, § 6380.5(a).)
6. CERTIFICATE OF COMPLIANCE WITH VIOLENCE AGAINST WOMEN ACT (VAWA). The restraining order herein meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994). This court has jurisdiction over the parties and the subject matter, and the restrained person has been afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, and shall be enforced as if it were an order of that jurisdiction.
7. EFFECTIVE DATE AND EXPIRATION DATE OF ORDERS
 - These orders are effective as of the date they were signed by a judicial officer.
 - These orders expire as explained in item 7 on the reverse.
 - If no expiration date is listed for the restraining orders, they expire three years from the date issued. Child custody, visitation and support orders, and property and other orders have different expiration dates and generally remain in effect until further court order.
8. CHILD CUSTODY AND VISITATION
 - Child custody and visitation orders may be established or modified in Family, Juvenile or Probate court.
 - Any contract between the restrained and protected persons permitted by a Family, Juvenile, or Probate court order for child custody or visitation must not conflict with the provisions of this order.
 - If box 3(h) is checked, the restrained and protected persons should always carry a certified copy of the most recent child custody or visitation order issued by the Family, Juvenile, or Probate court.